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August 21, 1950

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Discussion of Korean Case in the Security Council

DEBATE ON ADOPTION OF AGENDA

*Statements by Ambassador Warren R. Austin
U.S. Representative in the Security Council*

On August 2, Ambassador Austin made the following statement before the Security Council which was released to the press by the United States Mission to the United Nations on the same date.

The United States of America has proposed that the item following "Adoption of the agenda" should be "Complaint of aggression upon the Republic of Korea." I have put this motion in writing. It is on the table in front of everyone here. There were several reasons for putting this motion in writing in addition to the oral motion which I made previously. One reason was in order to make perfectly clear exactly what the motion is; that is, an amendment proposed to the provisional agenda. The reason why I want to make that clear is in order to have a ruling under rule 33 of our provisional rules of procedure, if it becomes necessary to have a ruling. That rule says:

The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

After naming five different motions, we come to no. 6, "to introduce an amendment."

Another reason why this was put into writing was to make it perfectly clear that it cannot be confused with the items on the provisional agenda which are now numbered 2 and 3. It is distinct and separate from those items. These items, of course, cannot be voted upon first because the provisional agenda has not been adopted. The provisional agenda cannot be adopted until we have disposed of the proposed amendment.

In the argument presented by the representative of the Soviet Union at the beginning of the meeting this afternoon, he made some references to the filing and to the question of which was submitted to the Council first, whether it was the provisional agenda before us or this motion to amend. I want to call the Council's attention to the fact that ever since the 25th day of June, and until the 31st day of July, which was the last meeting before the representative of the Soviet Union returned to the Security Council, the agenda has been the same.

Item 1 was "Adoption of agenda." That is the same as the proposal here. However, item 2 differs. Throughout all those meetings, item 2 has been "Complaint of aggression upon the Republic of Korea." When business is being transacted by the Security Council under an item such as that and it does not proceed to its conclusion, what happens? Does the passing of 31 days stop consideration of that item? Does that change the business of the Security Council? Rule 10 provides that any item of the agenda of a meeting of the Security Council,

Consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the agenda of the next meeting.

This is mandatory. The rule says "shall." Legally speaking, and I do not want to lean on this too much, as I said in the beginning, this is an item of the agenda even though it does not appear in the agenda. To make sure that it shall be there in writing, so that everyone will understand it and the record will be kept straight, and that it will be the item following the first item, which is entitled "Adoption of agenda," the United States filed this motion. It was filed before the proposal for the agenda which was submitted by the representative of the Soviet Union. I shall make no point of the rule which provides for the making of the provisional agenda in a different way. Suffice it to say that the business before this Council at this moment is the question of whether the Council will or will not amend that provisional agenda. There is no option here to vote upon two or more other items; there is just one item to which the Council can legally devote its attention at this moment, and that is a procedural item.

In view of some of the remarks made here, I wish to make a brief statement. The act of aggression against the Republic of Korea is the most urgent business before the Security Council. Under this agenda item, every member of the Council is completely free to make proposals leading toward the termination of the breach of peace. Observe the language. It reads "Complaint of aggression upon the Republic of Korea." If any representative has proposals to make or resolutions to submit regarding the breach of peace in Korea, they

can be made within the framework of the agenda item which has been before this Council for the last 5 weeks and which is legally before it now automatically. If there are proposals to be made, refusal to present them within the Council's regular agenda inevitably will cast doubt on their sincerity.

As I stated yesterday, the United States cannot agree that the question of Chinese representation can take precedence over the fact of armed aggression. Nor can the United States agree that the termination of aggression be made contingent on other issues. So long as men are dying on the battlefield in defense of the United Nations, this Council will not wish to cheapen their suffering or sully their heroism by seeming to engage in the consideration of deals.

The Council may wish to consider other issues now or at later meetings. But, first, the Council should consider the issue that is legally before it. Not only on these formal grounds do I take this position, but I feel that it is clear that today's meeting should proceed forthwith to consider the "Complaint of aggression upon the Republic of Korea," the substance of the matter. Only one resolution is before you at the present time, and that should be taken up and disposed of. If there are any other proposals to be made that will genuinely promote peace and security in the area of conflict, the whole spirit of humanity demands that they be made without further delay.

On August 3, Ambassador Austin made the following statement before the Security Council which was released to the press by the United States Mission to the United Nations on the same date.

I am in sympathy with the purpose of the suggestion made by the representative of Egypt.¹ I would certainly have remained silent had there not occurred here an event which is entirely improper and which is so virulent and startling in its substance, as well as in its use in violation of all the rules that govern the Security Council and in the derogation of the rights of other members of this Council. I would have remained silent, but I cannot remain silent in the face of a repetition of those ancient charges to which we have listened for a period of years from the Soviet Union. Perhaps I might have accepted the statements as merely evidence of a certain type of peculiar character and given no attention to the matter of answering the statements if it were not for the fact that this statement does something else. This statement has a new kind of attack in it; this statement contains a new slander; this statement expresses a new threat and a new provocation. This is a statement against the United Nations and all of

¹ The representative of Egypt, Mahaud Fazi Bey, had suggested the debate on the agenda be closed and that the members proceed to the vote.

the great moral principles for which it stands, and we cannot sit by here in silence and allow it to go unanswered. I have asked for the privilege of making a very brief statement at the earliest time that I could because other names were on the list of speakers before that statement had been made.

A poor people is suffering irreparable damage and loss at this moment. That great, ancient people is also suffering damage that is reparable, but it will take years to recover from the devastation of this demon that has been turned loose on that peninsula. Not only are we interested in the preservation of those people but we are there because we are interested in the great principles of the United Nations. We are interested in the security and freedom of individual nations, no matter how weak they may be. We are especially interested in Korea because it is a product of the principles of the United Nations as expressed by all these nations which are members of this great voluntary association, excepting that member which makes the charge we had to listen to today and which was not a matter that was admissible upon the point in order—and that is the agenda, whether a certain item will be added to the agenda next after the first item entitled "Adoption of the agenda."

While the sons of members of this organization are over there under the flags of their own nationalities and countries and fighting also under the blue and white banner of the United Nations and while we in the Security Council have introduced a resolution that would aid and help them to bring to an end the devastation that is going on there, what do we have interrupting this procedure: a speech by the president² who makes use of his office to talk about a matter that is not in point and is out of order.

Since the Soviet Union representative takes issue primarily with the position of the United States of America, I suppose he expects that I should speak to the charges he has raised about the United States of America. I have too high a regard and too great a deference for your own great interest in getting to the point here to enter upon that debate at this time. I am in utter sympathy with the suggestion made by the representative of Egypt that we get to a vote.

I am not going to try to prove at this time that the Republic of Korea was not the aggressor; that it did not attack the forces of North Korea; that the United States is not really the influence that unleashed the Korean war; that there is a United Nations command in Korea; that we are trying to back and support in the United Nations; and that 53 members of the United Nations are interested in supporting our flag over there. We are tired, and I think the whole world is tired, of these obvious and shameless travesties of the realities with which we in this room are supposed to deal.

² Yakov A. Malik, U.S.S.R. representative in the Security Council.

Surely, the time for that sort of thing has passed, and the matters we are dealing with today are too tragic and too real to be served by any preoccupation with propagandistic distortions which were properly referred to here yesterday as "upside-down language." In any case, my Government sees no need and feels no desire to attempt today to fill with any more words of its own the immense abyss which lies between the statements of the representative of the Soviet Union Government and the facts of this situation as they are known the world over and as they were reported by a United Nations Commission. We doubt if the representative of the Soviet Union genuinely desires an examination by this Council of the question of whose design and whose command brought about the unleashing of this new wave of tragedy and bloodshed which has overtaken the international community. Inadvertently, he might expose the villain. His propaganda statement, like many others that we have heard in the past, rests on a total and unabashed perversion of facts. This has been attested to by the United Nations Commission on the spot and the voluntary support given to the action of the Council by 53 member states. Now, let us have regard for the truth and a proper use of the freedom of debate and of the exercise of the vote in an organization that is supposed to be democratic. Let us have regard for all the other members of the Security Council who wish to advance to the transaction of our business and have this motion presented for a vote. We do not stand on informality here. The motion that is before this Council is as follows:

A motion by the United States representative that the item following "Adoption of the Agenda" in the agenda of this meeting should be "Complaint of aggression upon the Republic of Korea."

If that motion is put and carried, then this item "Complaint of aggression upon the Republic of Korea" will be the item that will follow the words "Adoption of Agenda."³

³ The provisional agenda as proposed by the president of the Security Council, Yakov A. Malik, on Aug. 1, was as follows: (1) adoption of the agenda; (2) recognition of the representative of the Central People's Government of the People's Republic of China; and (3) peaceful settlement of the Korean question.

The U.S. proposal that the item following "Adoption of the agenda" should be "Complaint of aggression upon the Republic of Korea" was adopted by the Security Council on Aug. 3 by the following vote: 8 in favor (China, Cuba, Ecuador, Egypt, France, Norway, U.K., and U.S.); 1 opposed (U.S.S.R.); and 2 abstained (India, Yugoslavia).

Item 2 as originally proposed was defeated on Aug. 3 by the following vote: 5 in favor (India, Norway, U.S.S.R., U.K., and Yugoslavia); 5 opposed (China, Cuba, Ecuador, France, and U.S.); and 1 abstained (Egypt).

Item 3 as originally proposed was defeated on Aug. 3 by the following vote: 3 in favor (Egypt, India, and U.S.S.R.); 7 opposed (China, Cuba, Ecuador, France, Norway, U.K., and U.S.); and 1 abstained (Yugoslavia.)

PROTEST AGAINST PRESIDENT MALIK'S OBSTRUCTION OF PROCEDURE

On August 8, Ambassador Austin made the following statement before the Security Council which was released to the press by the United States Mission to the United Nations on the same date.

It is desirable, is it not, to pass at the earliest time a resolution of the Security Council which has a practical chance of assisting toward peace and in the meantime of confining the war to the area of Korea. Is it not true that that is the great objective before us? All of this maneuvering, cunning, and device by which the president hinders and obstructs procedure in the Security Council does not tend toward peace, does not tend toward limiting the area of combat.

It is not edifying to the Security Council for the representative of the Soviet Union to use his position as president of the Security Council to make these charges here, that the United States of America is the aggressor, that the Southern Koreans provoked the North Koreans by invading North Korea, and doing this on the time of the Security Council and on the time of those poor boys over there who are under fire while we monkey and twist the rules and the Charter of the United Nations solely for the purpose of preventing progress toward peace and toward the consideration of a resolution first on the table that has a tendency at least to narrow the area of conflict and to clarify the picture before the world.

When the president, as such, or as the representative of the Soviet Union—it makes no difference which hat he wears while he is doing it—but, when he undertakes to persuade this great audience here present and in all the world outside that the United States of America is an aggressor in Korea, I would like to ask:

Whose troops are attacking deep in the country of somebody else? The North Koreans.

Whose country is being overrun by an invading army? The Republic of Korea.

Who is assisting the Republic of Korea to defend itself? The United Nations, with the support of 53 out of 59 members.

Who has the influence and the power to call off the invading Northern Korean Army? The Soviet Union.

Who then is supporting the United Nations Charter and working for peace? The 53 members of the United Nations who are assisting the Republic of Korea.

Is the Soviet Union one of the 53? No.

What member of this Security Council is assisting in the Security Council the invaders? The Soviet Union.

Now, all these performances that have occurred here creating a very bad impression, I am sure, upon all peace-loving nations, just delay the day

of consideration of a resolution before us that has a sincere goal of peace and of assistance to those who are trying out the peace-making functions of the United Nations. We are now struggling for a week in a procedural quagmire. It must be apparent to all of us and to the world that the Soviet representative, who under our rules of procedure is acting as president of the Security Council this month, will not abide by our rules of procedure or by the expressed will of this Council.

The record shows that he has made every effort to stop our work and keep us from our business. If his campaign of obstruction goes on, it can lead to only one consequence. The Security Council will be stalled on dead center for the remainder of this month unable to discharge its responsibility under the Charter of keeping the peace. This is the challenge we must meet.

I am reluctant to conclude that the Soviet Government intends to achieve this result.

I, therefore, suggest that we adjourn to a day certain, that is, on 3 o'clock Thursday, in order to allow the Soviet delegation to communicate with Moscow and obtain instructions from their Government, instructions which will enable the Security Council to function and instructions that will enable their representative to make his ruling which he has declared time after time that he is not in a condition to make.

During this interval, I suggest that we other delegations consult together to determine what steps we will take to assert the authority of the Security Council in the event that the Soviet Government continues its campaign to prevent its president from acting.

Mr. President, I definitely move that we adjourn until 3 p.m., Thursday, August 10.

SOVIET TACTICS AIM TO THWART U.N. EFFORTS TO RESTORE PEACE

Statements by Secretary Acheson

[Released to the press August 11]

The tactics adopted by the Soviet representative presiding over the Security Council have hampered Council discussion of the one item at present before it for consideration; namely, the complaint of aggression upon the Republic of Korea. His obstruction of the Security Council's business has carried him so far as a point-blank refusal to rule on a point of order—that is, to function as president—where if he had ruled, and thus presided, business might have proceeded.

By disregard of the duties of his office, by dilatory tactics, and by reiterated reversals of the truth, the Soviet representative has obstructed but not prevented presentation of the facts.

These facts are that the Security Council itself has by a large majority determined the existence and nature of the aggression and that the United Nations has been taking effective, unified action to repel it and to restore peace; furthermore, that United Nations forces are fighting for a principle, the principle that aggression cannot and will not be tolerated.

On the other hand, the U.S.S.R. has taken no step to induce the puppet regime in North Korea to cease hostilities and restore peace. It has clearly shown, in demanding the withdrawal of United Nations forces from Korea, that the settlement it desires in Korea is abject submission to Communist control.

In view of this situation, the questions Ambassador Austin posed on August 8 before the Security Council cannot be too frequently insisted upon. We must ask again:

Whose troops are attacking deep in someone else's country? The North Koreans.

What country is overrun by an invading army which, as is certified by a United Nations Commission, attacked without provocation? The Republic of Korea.

Who is assisting the Republic of Korea to defend itself? The United Nations, with the support of 53 of its 59 members.

Who has the influence and power to call off the North Koreans? The Soviet Union.

Is the Soviet Union 1 of the 53 members of the United Nations who are supporting the United Nations Charter and working for peace? No!

In the light of these questions, and the answers which they inevitably evoke, the tactics of the Soviet representative as President of the Security Council are easy to understand. They are intended to thwart the United Nations effort to restore peace and security.

After what I have just felt it necessary to say, (the tactics of the Soviet representative in the Security Council) I turn with pleasure to speak of the performance of duty to the United Nations of a very different order.

As the battle in Korea goes on, I know that hundreds of millions of men and women in the free nations of the world look with gratitude and pride to the United Nations forces in Korea and to their gallant and inspiring leader, General MacArthur. Upon this force are pinned the hopes of all of us that the solemn obligations undertaken by all who ratified the Charter of the United Nations to maintain peace and security and the freedom of all peoples from aggression may become a living reality.

The debt of all of us to these brave men and their great leader can never be paid, but earnest of payment can be made by the most complete and unwavering support.

They carry with them our hopes and aspirations for peace. We share with General MacArthur his confidence in the outcome.

Assistant Secretary Hickerson Explains U.S. Aims in Korea to American Women for Peace

[Released to the press August 8]

A delegation of the American Women for Peace today called at the Department of State and were received by Assistant Secretary John D. Hickerson.

The delegation advocated the abandonment of the use of the atomic and hydrogen bombs as weapons of war and the effectuation of an immediate settlement of the Korean war.

After hearing the views of the delegation, Mr. Hickerson made the following response:

The United States is for peace. American soldiers and their United Nations comrades-in-arms are dying in Korea for peace and for the right of all peoples to live in freedom and without fear of aggression. The free world has finally learned that nonviolence does not preserve freedom in the face of aggression and that the alternative is slavery.

The peaceful people of the Republic of Korea, which was established under United Nations auspices, have been savagely attacked without warning and without a shred of justification, and the United Nations, pledged to maintain peace, has responded with unity and vigor to this breach of the peace. The United Nations efforts in the past to maintain the peace without resort to force have been blocked by only one country and its satellites. In this connection, it is worth remembering that there would probably not be an atomic weapon in existence today if the U.S.S.R., and the U.S.S.R. alone, had not refused to accept the control plan adopted by an overwhelming majority of the members of the United Nations.

The Security Council has set the conditions under which the bloodshed in Korea can be stopped. The Security Council has been defied by the North Korean aggressors. The 53 nations who stand behind the Security Council's action are still waiting for the North Korean aggressors, and for those who control their destiny, to comply with the Security Council's order. Until they do, the United Nations has no other course but to put down this aggression with all the determination and power at its command. The United States supports the United Nations in its firm stand for peace and freedom.

North Koreans Delay Actions in Reporting to Red Cross

U.N. doc. S/1676
Sent August 8

Commission today unanimously adopted following message to Secretary-General:

Request that you bring following to notice of the Security Council:

(1) Since notification received by Secretary-General from North Korean authorities of their intention adhere provisions of Red Cross convention on treatment of prisoners of war nothing further heard here of measures taken by them to give effect to this assurance.

(2) Reports continue to circulate that uncivilized and unhuman practices extend by North Koreans to wounded and others. United Nations Commission on Korea has instructed its military observers to check upon these reports as far as possible and to establish authenticity and facts which can be brought to notice of the International Red Cross and others concerned.

(3) South Korean authorities have given practical demonstration their intention abide by both spirit and letter of conventions including article 3 of 1949 signed by them on 4 July by the provision of full supervisory facilities to the International Red Cross representative both by South Korean authorities and unified command.

(4) Similar International Red Cross supervisory facilities will provide only assurance that North Koreans implementing their expressed intentions not only toward prisoners held captive by them but also in respect to the treatment of wounded and others.

(5) United Nations Commission on Korea urges Security Council to offer to assist International Red Cross further as only duly authorized and independent international body responsible for supervision of Red Cross conventions with any efforts it may have initiated to secure North Korean agreement to acceptance of International Red Cross representatives in North Korea as direct intermediaries in this matter.

(6) United Nations Commission on Korea further urges that strongest possible voice should be raised throughout whole civilized world in protest against delay in giving Red Cross supervisory protection to prisoners of war, non-combatant captives and wounded and requests Security Council to seek positive assistance from those countries able to influence North Korean authorities to this.

Voice of America Begins Vietnamese Language Programs

[Released to the press August 5]

The Department of State today announced the addition of a twenty-fifth language, Vietnamese, to the broadcast schedule of the Voice of America, effective August 13.

According to Foy D. Kohler, chief of the Department's International Broadcasting Division, the daily 15-minute Vietnamese program will include news and features about the United States and American relations with the Far East. It will be broadcast from 6 a.m. to 6:15 a.m., eastern daylight savings time (6 p.m. to 6:15 p.m. Vietnam time) by five short-wave transmitters in the United States and relayed by two short-wave transmitters at the American relay base in Honolulu and by one medium-wave and three short-wave transmitters at the American relay base at Manila.

With the inauguration of the Vietnamese program, the Voice of America will be broadcasting in six languages and one dialect to the Far East, the Indonesian broadcasts having been inaugurated last December 27. The others are: Korean, Russian, English, Mandarin, and Cantonese.

The Vietnamese desk will come under the direction of Elmer Newton, chief of the Far East section of the Voice of America.

Third Report on the Activities of Far Eastern Commission: December 24, 1948–June 30, 1950¹

SUMMARY OF ACTIVITIES

Two previous reports by the Secretary-General² have described the work of the Far Eastern Commission from its first meeting on February 26, 1946 to July 10, 1947, and from July 10, 1947, through December 23, 1948. The present report covers the period from December 24, 1948 through June 30, 1950.

The Far Eastern Commission is charged with formulating—

the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished. (See terms of reference, appendix 11.)

Pursuant to this requirement of its terms of reference, the Commission adopted 41 policy decisions during the first 15 months of its activity; 13 during the next 18 months; and 9 during the period covered by this report. This brings to a total of 63 the number of policy decisions reached by the Commission since its inception. The policy decisions covered in the present report deal with the following subjects: trial of Japanese war criminals; reform of the Japanese agricultural system; restoration of patent rights to allied nationals, including rights previously held on utility models and designs; restoration of trade-mark rights, together with regulations governing Japanese use of trade names and the marking of merchandise; and several revisions of previous policy decisions governing the restitution of looted property and access by Allied governments to technical and scientific information in Japan. Descriptions of each of these policy decisions follow below and verbatim texts of each will be found in the appendixes to this report.³

¹ Released to the press by the Far Eastern Commission on Aug. 10.

² *Activities of the Far Eastern Commission: Report by the Secretary General, February 26, 1946, July 10, 1947*, Department of State publication 2888.

The Far Eastern Commission: Second Report by the Secretary General, July 10, 1947–December 23, 1948, Department of State publication 3420.

³ Appendixes referred to are not here printed.

In addition to the formulation of policy, the Far Eastern Commission has continued to serve as the principal means whereby member governments, through their representatives on the Commission, have exchanged views on the progress of the Allied occupation of Japan. The Commission has likewise continued to provide a channel through which member governments have been able to obtain from time to time the views of General MacArthur, Supreme Commander for the Allied Powers in Japan.

A significant event of the period treated in this report was the admission of the Republic of Burma and the Dominion of Pakistan to membership in the Far Eastern Commission. Paragraph v, 1, of the terms of reference of the Far Eastern Commission provides that—

The membership of the Commission may be increased by agreement among the participating Powers as conditions warrant by the addition of representatives of other United Nations in the Far East or having territories therein.

On November 16, 1949, the Governments of Burma and Pakistan were notified that their applications for membership in the Commission had been accepted in accordance with this provision of the terms of reference. At the plenary session of the Commission held the next day, the Ambassador of Burma, U So Nyun, and the Ambassador of Pakistan, M. A. H. Ispahani, took their seats at the Commission table as representatives of their respective governments.

The year 1949 also saw the retirement of Maj. Gen. Frank R. McCoy as United States representative and chairman of the Commission. General McCoy had been appointed by President Truman to serve as United States representative on the Far Eastern Advisory Commission. At its second meeting, the Far Eastern Advisory Commission elected General McCoy chairman. Following the transformation of that body into the Far Eastern Commission, in accordance with the terms of the Moscow agreement of December 27, 1945, General McCoy continued to serve as United States representative and was elected chairman of the new body at its first meeting. General McCoy served

as chairman of the Commission until November 30, 1949, at which time he resigned as United States representative and chairman of the Commission to retire to private life, thus marking the end of a career of 56 years of almost uninterrupted public service to the Government of the United States. In addition to holding many military posts of great responsibility, General McCoy also rendered distinguished service in the civilian field of international affairs. He served as Director General of the Red Cross and Commander of American Relief Mission to Japan after the disastrous earthquake of 1923. He supervised the presidential election in Nicaragua in 1928, was chairman of the Commission of Inquiry and Conciliation (Bolivia-Paraguay) in 1929, was the American member of the League of Nations Commission of Inquiry (Manchuria) in 1932, and was a member of the Roberts Committee to inquire into Pearl Harbor. General McCoy thus brought to the chairmanship of the Far Eastern Commission a long experience which contributed much to the success of the Commission's deliberations.

General McCoy's successor as United States representative is Maxwell M. Hamilton, who was appointed by President Truman immediately following General McCoy's resignation. Mr. Hamilton, a career officer in the Foreign Service of the United States, has served in many important diplomatic posts both in Europe and Asia, and from 1937 to 1943 was chief of the Far Eastern Division of the Department of State. Mr. Hamilton assumed his duties as United States representative on the Far Eastern Commission on December 1, 1949. At its 175th meeting on December 8, 1949, the Commission elected Mr. Hamilton chairman.

At the plenary session of the Far Eastern Commission on 19 January 1950, the Soviet representative submitted a proposal to remove the present Chinese representation from membership in the Far Eastern Commission and its committees. The Commission then voted to lay the Soviet proposal on the table. Following this action, the Soviet delegation left the meeting.

Although the Soviet delegation has not attended any meetings of the Far Eastern Commission since January 19, 1950, the Commission has continued to hold regular sessions and to transact business.

The remainder of this report is devoted to a description of the policy decisions adopted during the period between December 24, 1948 and June 30, 1950.

Recent Policies

TRIAL OF JAPANESE WAR CRIMINALS

At its 142d meeting on 24 February 1949, the Far Eastern Commission adopted a policy decision⁴ stating that no further trials should be

⁴ Appendix 1. BULLETIN of May 1, 1949, p. 570.

initiated with respect to Japanese suspected of having planned, prepared, or conspired to wage a war of aggression. This policy decision states that "no further trials of Japanese war criminals should be initiated in respect of offenses classified under paragraph 1 a of the policy decision of the Far Eastern Commission entitled *Apprehension, Trial and Punishment of War Criminals in the Far East* passed by the Commission on 3 April 1946."⁵

Paragraph 1 a of the 1946 policy decision reads as follows:

1. The term "war crimes" as used herein includes:
 - a. Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements and assurances, or participation in a common plan of conspiracy for the accomplishment of any of the foregoing.

These crimes are commonly referred to as "Class A" crimes.

It will be recalled that the Potsdam Declaration of 26 July 1945 announced that—

stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners.

The United States Government in October 1945, prior to the establishment of the Far Eastern Commission, forwarded a directive to the Supreme Commander with instructions regarding the prosecution of suspected Japanese war criminals and the establishment of an International Military Tribunal for the Far East. Subsequently, at the Moscow Conference of December 1945, the Far Eastern Commission was established. Five weeks after its initial meeting in Washington, the Commission approved the policy decision already mentioned above (*Apprehension, Trial and Punishment of War Criminals in the Far East*, 3 April 1946). This policy decision was transmitted to the Supreme Commander through the Joint Chiefs of Staff in accordance with the procedure prescribed by the Terms of Reference of the Commission; the directive issued in accordance with this policy decision superseded the earlier United States directive.

On 26 April 1946, an indictment was lodged with the International Military Tribunal for the Far East by the Prosecution Section of the Supreme Commander's Headquarters. The indictment charged 28 Japanese with having committed not merely the Class "A" crimes referred to above, but also "B" and "C" offenses: violation of the laws or customs of war, and crimes against humanity, such as murder, extermination, enslavement, etc. The indictment charged offenses covering a period of 17 years and committed throughout the greater part of Eastern Asia. Trial was formally begun on 4 June 1946. Evidence submitted was collected

⁵ *Activities of the Far Eastern Commission: Report by the Secretary General, February 26, 1946-July 10, 1947*, Department of State publication 2888, p. 97.

not only from sources in the Far East but also from sources in Europe and the United States.

The trial lasted for nearly two and a half years. Of the twenty-eight men originally indicted, two died in the course of the trial and a third was adjudged mentally incompetent for trial. The remaining twenty-five were all convicted in a lengthy judgment read to the Tribunal between 4 November and 12 November 1948. All but one were found guilty of the crime of waging or conspiring to wage aggressive war ("Class A" crimes). Eleven were also found guilty of "B" and "C" crimes.

Sentences were passed on the 25 convicted war criminals on 12 November 1948. Seven were sentenced to death by hanging; sixteen received sentences of life imprisonment; and two were sentenced to 20 years and 7 years respectively.

Between midnight and 12:33 a.m. on 24 December 1948, following unsuccessful appeals to the United States Supreme Court to review their sentences, the seven men sentenced to death by the International Military Tribunal for the Far East, including former Premier Hideki Tojo, were hanged in Sugamo Prison in Tokyo.

The policy decision approved by the Far Eastern Commission on 24 February 1949, and described above, officially closed the door on any further trials of Japanese for Class "A" crimes.

Five weeks later at its 147th meeting on 31 March 1949, the Far Eastern Commission recommended to its eleven member governments that, if possible, investigations of suspected Japanese war criminals, accused of either "B" or "C" crimes (violations of the laws or customs of war; or murder, extermination, enslavement, deportation, or other inhumane acts committed against any civilian population or prosecutions on political, racial, or religious grounds) should be completed by June 30, 1949, and trials of such persons completed by September 30, 1949.⁶ The crimes referred to here are defined as follows in the policy already mentioned above (*Apprehension, Trial and Punishment of War Criminals in the Far East*, 3 April 1946):

b. Violations of the laws or customs of war. Such violations shall include but not be limited to murder, ill treatment or deportation to slave labor or for any other purpose of civilian population of, or in, occupied territory, murder or ill treatment of prisoners of war or persons on the seas, or elsewhere improper treatment of hostages, plunder of public or private property, wanton destruction of cities, towns or villages or devastation not justified by military necessity.

c. Murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war or prosecutions on political, racial or religious grounds in execution of or in connection with any crime defined herein whether or not in violation of the domestic law of the country where perpetrated.

⁶ Appendix 2. BULLETIN of May 1, 1949, p. 569.

AGRARIAN REFORM

On 28 April 1949, the Far Eastern Commission at its 151st meeting approved a policy decision⁷ endorsing the basic principles underlying the land reform program being carried out in Japan by the Japanese Government under the guidance of the Supreme Commander for the Allied Powers (SCAP).

This policy decision supplemented an earlier policy decision of the Commission, "Principles for Japanese Farmers' Organizations" of 9 December 1948⁸ which specified that farmers' cooperatives and farmers' unions were to be encouraged.

A program of agrarian reform was instituted in Japan by SCAP soon after the beginning of the Occupation. Acting under the terms of the original Presidential Policy Statement of 22 September 1945 (generally referred to as the U. S. Initial Post-Surrender Policy for Japan) and later under the terms of the Far Eastern Commission's Basic Post-Surrender Policy of 19 June 1947, the Supreme Commander issued directives to the Japanese Government ordering it to take immediate steps—

... to insure that those who till the soil of Japan shall have a more equal opportunity to enjoy the fruits of their labor (SCAP directive to the Japanese Government of 9 December 1945).

The three major goals of the Japanese land reform program, as evidenced by the measures listed in the new FEC policy decision, have been: (1) the elimination of the system of rents payable in kind and the exaction of exorbitant rents; (2) the large-scale transfer of the ownership of land from the landlord class to the tenantry and the creation thereby of a numerous class of independent owner-farmers; (3) the facilitation of credit extension and education in agricultural techniques to operating farmers.

Legislation and administrative action to carry out each of these goals have been undertaken by the Japanese Government during the past three years. As a result, over 5,300,000 acres of farm land have been purchased by the Japanese Government from landlords and resold to tenants at reasonable prices. For the remaining, approximately 10 percent of the land still tilled by tenants, rent ceilings have been established, and written contracts giving the tenant greater security are required. Some 32,600 agricultural cooperative associations and 10,700 agricultural mutual relief associations have also been formed. The policy decision, adopted by the Far Eastern Commission on 28 April 1949, calls for continued application of the principles underlying this program.

⁷ Appendix 3. BULLETIN of May 22, 1949, p. 670.

⁸ See Appendix 3, p. 23, *The Far Eastern Commission: Second Report by the Secretary General, July 10, 1947-December 23, 1948*, Department of State publication 3420.

**POLICY TOWARD PATENTS, UTILITY MODELS,
AND DESIGNS IN JAPAN**

At its 145th meeting on 17 March 1949, the Far Eastern Commission approved a policy decision⁹ calling for the reestablishment of an effective patent system in Japan, requiring full publication of all patents in Japan and providing for the restoration of Allied-owned patent rights which were lost as a result of the war.

The Japanese patent office, while already operating under the guidance of the Occupation authorities at the time this policy decision was approved, was obligated under the new policy to expand its functions to approximately its pre-war standards, including such previous functions as the publication of official gazettes and patent specifications. Furthermore, under this policy decision, the Japanese patent law was required to contain explicit provisions for the disclosure "of all information necessary to the working of a patented invention." The policy decision further required that those provisions "should be strictly enforced."

In general, protection is given under the policy decision to all holders of patent rights in Japan, whether those rights derive from patents honored in Japan at the time the policy decision was adopted, from rights restored under the policy, or from rights newly acquired during the period of occupation. However, certain qualifications were placed upon the exercise of such rights. For example, the protective provisions do not apply to German-owned or former German-owned patents in Japan. Similarly, in any case where the continued protection of patent rights conflicts with present or future policy decisions of the Far Eastern Commission, Commission policy decisions must be given precedence. Furthermore, in cases where the continued protection of patent rights interferes with the production, use, sale, or importation of products "necessary to carry out the purposes of the occupation," the usual protection need not be granted. In such cases, the Supreme Commander is empowered to request the Japanese Government "to invoke appropriate provisions of the Japanese patent law" with a view to protecting the interests of the Occupation. The policy decision also contains a provision preventing the maintenance in secrecy of any patents in Japan, and requiring that existing secret patents "should be published and treated in the same manner as all other patents." A further provision requires that pending applications heretofore treated as secret "should be removed from such classification and treated in the same manner as all other applications."

The policy decision adopted by the Far Eastern Commission also contains special provisions

⁹ Appendix 4. *Documents and State Papers*, May 1949, p. 795.

whereby those Allied nationals whose patent rights were lost during the course of the war may remedy their situation and in some measure be compensated for losses sustained. Under the policy, any Allied nationals who lost their normal patent rights may request, within a reasonable period of time and in accordance with procedures to be established by the Supreme Commander, the revalidation and restoration of their patent rights. Upon restoration or revalidation, such patent-holders are entitled to "all the rights and privileges to which any national of any country is entitled under the Japanese patent law existing at the time of such restoration."

In requesting revalidation or restoration, the Allied patent-holder is given a choice under the policy of either accepting such funds as would normally have accrued to him during the period in which he did not enjoy his full rights, or accepting an extension of the duration of his patent for the same period of time. Should he prefer to accept the extension of the period of duration of his patent, he is required to remit any funds received by him or credited to him from the effective date of the loss of his rights to the date of restoration. Similarly, he must waive all claim to royalties for use of the patent during the period of loss. In this connection, the Supreme Commander, while not responsible under the policy for attempting to obtain compensation for Allied nationals for any use which may have been made of their patents during the period of loss, is, however, responsible for making available to such persons information regarding any funds credited to their accounts in the form of royalties during that period.

A further provision in the new policy decision requires that applications for patents in Japan which were filed by Allied nationals and which were pending on the effective date of loss but on which no patents were issued, should, upon request of the original applicant, be reinstated as pending applications in the Japanese patent office and restored to the original applicant.

A final provision makes the policy decision applicable not only to patents as generally understood but also to "registered utility models" and "registered designs."

Summarizing, the patent policy decision adopted by the Far Eastern Commission requires the return to normal operation of the Japanese patent office, full publication of all patents in Japan, and restoration to Allied nationals of patent rights lost during the war.¹⁰

¹⁰ On 23 March 1949 the U.S. Government, invoking its authority under par. III, 3, of the terms of reference of the Far Eastern Commission, issued the following interim directive. [See BULLETIN of Apr. 17, 1949, p. 502.]

**TRADE-MARKS, TRADE NAMES, AND
MARKING OF MERCHANDISE IN JAPAN**

Another policy decision affecting the property rights of Allied nationals was adopted by the Commission on 28 July 1949 in the field of trade-marks, trade names, and the marking of merchandise in Japan.¹¹ This policy decision provides for the restoration of Allied-owned trade-mark rights which were lost as a result of the war, and for the protection of Allied trade-mark rights in Japan and elsewhere against infringement by the Japanese.

At the outbreak of hostilities between Japan and the Allied countries, all trade-mark rights in Japan belonging to Allied nationals were seized under Japanese war-time laws applying to all Allied property rights. The Commission's policy decision provides for the restoration of such rights, without payment of fees, upon request made by the owners to the Supreme Commander for the Allied Powers. Registrations are to be extended from the date of restoration for a period equivalent to the unexpired period at the time they were lost. For example, an American trade-mark which had been registered in Japan for a twenty-year period on 7 December 1931, still had ten years to run on 7 December 1941, when it ceased to be effective because of the war. If, after the owner made request to the Supreme Commander and complied with procedure established by him under the terms of the policy decision, it were restored on 15 November 1949, it would remain in effect for ten years from that date and expire on 14 November 1959. The date of loss is considered in the policy decision to be the date of outbreak of hostilities between Japan and the country of the owner, or where applicable, the date after which the trade-mark could no longer be exercised because of conditions arising out of World War II.

The Commission's policy decision also provides that applications for trade-marks which had been filed by Allied nationals and were pending at the outbreak of hostilities must automatically be reinstated as pending applications without fee.

An Allied national who had filed the first application for a trade-mark in any country within six months previous to the date on which he could no longer file an application in Japan, was given one year from the effective date of the Commission's policy decision in which to file an application in Japan with a right of priority based on his first filing.

Before the war, serious commercial difficulties were created by the Japanese practice of copying foreign designs and mismarking goods. This also included infringement of trade-mark rights of foreigners in Japan and in areas in which Japanese goods competed. During the Allied occupation, the Japanese Government was on several occasions directed by SCAP authorities to halt

infringement of Allied trade-marks by Japanese manufacturers in specific cases. The Commission's policy decision also requires the Japanese Government to prevent future registration of marks which are confusingly similar to well-known foreign marks and permits United Nations nationals to apply for cancellation of any such marks already registered. Application for cancellation of infringing marks is to be made to the Japanese Bureau of Patents, which is instructed to deal expeditiously with them and, if the facts submitted are correct, cancel the contested registration.

The policy decision further provides that steps should be taken to assure that goods manufactured in Japan are not marked in a way that suggests that they were made in other countries, and that export goods are not marked so as to misrepresent their quantity, quality, or content.

The policy decision concludes with a general provision requiring the protection of all existing or restored trade-mark rights in Japan which do not conflict with policy decisions established by the Far Eastern Commission, and a provision making the policy decision applicable not only to actual trade-marks, but also to "trade names and to commercial or corporate names or marks."

RESTITUTION OF LOOTED PROPERTY

On 29 September and 6 October 1949, the Far Eastern Commission approved amendments to one of its earlier policy decisions on the subject of restitution of looted property.¹²

It will be recalled that on 29 July 1948, the Far Eastern Commission approved a policy decision governing the restitution of property found in Japan which could be identified as having been looted from Allied countries.¹³ Among other things, the policy decision authorized the Supreme Commander for the Allied Powers to liquidate property known to have been looted but which, after careful inspection, could not be identified as to ownership. The proceeds from such liquidation would form a secured fund which SCAP was authorized to use at his discretion, as a credit basis for the occupation, provided that he preserved its initial value. The policy decision provided that the fund should ultimately be distributed by 1 October 1949 among the countries looted by Japan during the war (Australia, China, France, India, the Netherlands, the Philippines, and the United Kingdom) in proportion to the "recognized national reparations shares" of those countries.

As the specified date of 1 October 1949 approached, it was evident that the distribution of the secured fund in the manner provided for in the

¹¹ Appendix 5. BULLETIN of Aug. 29, 1949, p. 309.

¹² Appendixes 6 and 7. BULLETIN of Nov. 21, 1949, p. 790.

¹³ *The Far Eastern Commission: Second Report by the Secretary General, July 10, 1947-December 23, 1948*, Department of State publication 3420, pp. 37-41.

policy decision would be impossible for two reasons: SCAP had not yet been able to complete the liquidation of all the unidentified looted property; the countries represented on the Far Eastern Commission had not yet been able to agree on a schedule of shares for reparations from Japan on which distribution of the secured fund was to have been based.

In the light of this situation, the Far Eastern Commission on 29 September 1949 removed the deadline date of 1 October 1949 by amending paragraph 8 of its policy on restitution of looted property as follows:

The secured fund shall be made available for distribution to the recipient countries not later than 1 April 1950.

On 6 October 1949, the Far Eastern Commission approved a further amendment taking account of the fact that reparations shares had not yet been agreed on by the Far Eastern Commission. This amendment reads as follows:

The secured fund should finally be distributed among the countries herein specified (Australia, China, France, India, the Netherlands, the Philippines, and the United Kingdom) in accordance with the percentages mentioned above [i.e. reparations shares], or in accordance with a schedule of shares to be agreed upon by such countries, payable in United States dollars or, at the discretion of the Supreme Commander for the Allied Powers, in foreign exchange acceptable to the countries concerned.

The above amendment thus makes it possible, in the absence of an agreed schedule of reparations shares, for the seven looted countries to work out among themselves a schedule of shares applicable to the distribution of the secured fund.

EXTENSION OF FEC POLICIES ON ACCESS TO JAPANESE TECHNICAL AND SCIENTIFIC INFORMATION

It will be recalled that the Commission adopted during 1948 two policy decisions dealing with the subject of access to Japanese technical and scientific information in Japan. The first of these, approved on 24 June 1948, read as follows:

During the period from July 1, 1948 through March 31, 1949, technical representatives of the Governments of members of the Far Eastern Commission should be permitted access to and the right to take copies of the details of any technical or scientific processes of industrial or commercial value which are of Japanese origin and ownership and which were developed prior to December 31, 1945.

Technical or scientific information obtained by any representative of the government of a member of the Far Eastern Commission pursuant to this policy statement should be promptly and fully disclosed to SCAP for dis-

semination to other interested members of the Far Eastern Commission upon specific request.¹⁴

The second, approved on 23 December 1948, read as follows:

1. SCAP may, insofar as it proves administratively practical, and without prejudice to arrangements for FEC member nations in accordance with the principles established in "Access to Japanese Technical and Scientific Information in Japan,"¹⁵ (approved by the Far Eastern Commission on 24 June 1948 and forwarded to the Supreme Commander on 1 July 1948) permit investigation of Japanese technical processes by non-FEC countries at war with Japan subsequent to 7 December 1941.

Any technical or scientific information thus obtained should be promptly and fully disclosed to SCAP. Such information should be disseminated by SCAP in response to specific requests.

2. Technical or scientific information disclosed to SCAP in accordance with paragraph 2 of "Access to Japanese Technical and Scientific Information in Japan" should, upon specific request be made available to non-FEC countries at war with Japan subsequent to 7 December 1941.¹⁶

During the early part of 1949, the Far Eastern Commission had under discussion the problem of extending the right of access to technical and scientific information in Japan beyond the 31 March deadline governing the above policy decisions. At its 147th meeting, held on 31 March, the Commission agreed to a preliminary extension until 1 July 1949,¹⁷ pending consideration of the advisability of a still further extension. At its meeting on 7 April the Commission agreed to a further extension to 31 December 1949.¹⁸

As a result of this action by the Commission, technical missions of FEC member countries and non-member countries then in Japan for the purpose of investigating Japanese technical and scientific processes were permitted to remain until 31 December 1949 to complete their investigations, and those countries which had been unable to send technical personnel to Japan during the period covered by the previous policy decisions were given a further opportunity to do so.

NELSON T. JOHNSON
Secretary General

WASHINGTON, D. C.
30 June 1950

¹⁴ *The Far Eastern Commission: Second Report by the Secretary General, July 10, 1947-December 23, 1948.* Department of State publication 3420, p. 43.

¹⁵ *Ibid.*, p. 43.

¹⁶ *Ibid.*, p. 43.

¹⁷ Appendix 8.

¹⁸ Appendix 9. BULLETIN of June 26, 1949, p. 833.

Preserving Our Basic Liberties and Protecting the Internal Security of the United States¹

Message From the President

To the Congress of the United States:

I am presenting to the Congress certain considerations concerning the steps we need to take to preserve our basic liberties and to protect the internal security of the United States in this period of increasing international difficulty and danger. We face today, as we have always faced in time of international tension, the question of how to keep our freedom secure against internal as well as external attack, without at the same time unduly limiting individual rights and liberties.

Throughout our history as a nation, our people have always—and properly—been wary of government action which limited personal liberty. At the time our Constitution was being debated, there was considerable fear that it did not properly safeguard the exercise of individual freedom. As a result, the first ten amendments to the Constitution—the Bill of Rights—were adopted, in order to make sure that the Federal Government would not infringe upon the free exercise of religion, freedom of speech, freedom of the press, the right of peaceable assembly, and the other basic rights which are essential in a free society. The Bill of Rights was then, and remains today, a stirring embodiment of our democratic ideals—an inspiration to free men everywhere and to those who would be free.

At the same time, the Bill of Rights was not intended to prevent the Government from maintaining our Nation's integrity against subversion or attack. For example, the right of the people to keep and bear arms, which is guaranteed in the Bill of Rights, obviously gives no license for the building up of an armed revolutionary movement within our borders.

Accordingly, the Government has enacted laws, from time to time, against espionage, sabotage, and other internal threats to our national safety. Each of these laws necessarily places some restric-

tions on individual liberty for the protection of the Nation.

It has always been difficult to draw the line between restrictions which are proper because they are necessary for internal security, and restrictions which are improper because they violate the spirit or the letter of the Constitution. It is clear that on certain occasions that line has been overstepped.

Soon after our Government began functioning under the Constitution, there was enacted, in 1798, the group of legislative acts known as the alien and sedition laws. These laws were ostensibly designed to prevent activities which would undermine the Nation's safety and independence. But in fact they were broad enough—and were used—to imprison many leading citizens, including a Member of Congress, who expressed disagreement with the policies of the administration then in office.

The alien and sedition laws were so repugnant to the free spirit of our people that they played an important part in the disappearance of the Federalist Party, which sponsored them, and the objectionable features of these laws were shortly repealed or allowed to expire. That experience taught us a great lesson: that extreme and arbitrary security measures strike at the very heart of our free society, and that we must be eternally vigilant against those who would undermine freedom in the name of security.

Since the time of the alien and sedition laws, there have been recurrent periods, especially in wartime, when the safety of our Nation has been in danger. Each of these occasions has confronted us with a new set of conditions to which we have had to adjust our internal security laws and procedures.

At the same time, each of these periods of danger has been seized on by those who, in good faith or bad, would severely limit the freedom of our people in a misguided attempt to gain greater

¹ H. doc. 679, 81st Cong. 2d sess.

security. As we look back now, we can see that there have been certain times when we have, to some extent, repudiated our own ideals of freedom in an excess of zeal for our safety. Nevertheless, it is a tribute to the strong faith and common sense of our people that we have never for long been misled by the hysterical cries of those who would suppress our constitutional freedoms.

The present period is one of the times in which it has been necessary to adjust our security measures to new circumstances. The particular danger which we have had to meet has been created by the rise of totalitarianism—first the totalitarianism of the right, and now that of the left.

Today we face most acutely the threat of the Communist movement, international in scope, directed from a central source, and committed to the overthrow of democratic institutions throughout the world.

The major danger from the Communist movement lies in its use of armed force and the threat of aggression through which it is trying to establish its control over free nations. To meet this danger, we are working vigorously with other free nations to build a strong and effective common defense.

Communist imperialism also seeks to weaken and overthrow free nations by working within their borders.

Through their own political parties, and by trying to make alliances with non-Communist political groups, the Communists attempt to gain political power. The best defense against this aspect of the Communist threat is a vigorous, functioning democracy which succeeds in meeting the needs of its people. A vigilant people, who exercise their democratic rights to keep their Government active in the interests of all, can defeat the efforts of Communists to attain electoral power.

In the United States the Communist Party has never received more than a minute portion of the national vote. The good sense of the American people, and their faith in democracy, have utterly rejected the false political appeal of communism.

As a part of their campaign to weaken free nations from within, the Communists try to infiltrate and gain control of the most vital citizens' organizations, such as unions, associations of veterans, business groups, and charitable, educational, and political societies. In this country, these attempts have—with few exceptions—been successfully thwarted by the common sense and hard work of the members of those organizations, who have defeated the Communists through democratic processes, or forced them into isolated groups which are clearly and definitely identified as Communist-controlled.

The success of our labor-union members and leaders in exposing and eliminating Communists who had managed to gain positions of authority in the labor movement is particularly noteworthy.

This demonstrates that open and public democratic processes provide the most effective way to prevent Communists from dominating the activities and policies of private groups in our country.

If the Communists confined their activities in this country to the open and public channels of the democratic process, we would have little concern about them. But they do not so limit their activities. Instead, to serve the ends of a foreign power, they engage in espionage, sabotage, and other acts subversive of our national safety.

To protect us against activities such as these, we must rely primarily upon Government action. We must have effective internal security measures to prevent acts which threaten our national safety.

These measures must be accurately devised to meet real dangers. They must not be so broad as to restrict our liberty unnecessarily, for that would defeat our own ends. Unwise or excessive security measures can strike at the freedom and dignity of the individual, which are the very foundation of our society, and the defense of which is the whole purpose of our security measures.

In considering the laws that are needed to protect our internal security against Communist activities, we should remember that we already have tested legal defenses against treason, espionage, sabotage, and other acts looking toward the overthrow of our Government by force or violence. Strong laws exist on the statute books—a number of them enacted or strengthened in recent years—under which we have proceeded and are proceeding vigorously against such crimes.

The treason laws make it a crime for anyone owing allegiance to the United States to levy war against his country, to give aid and comfort to its enemies, or to conceal knowledge concerning treasonable activities.

The espionage laws make it a crime to gather, give, receive, or transmit documents or similar materials concerning the national defense of the United States with intent or reason to believe that they are to be used against the interest of the United States. Furthermore, these laws make it a crime for anyone who has national-defense information to communicate it to any person not entitled to receive it.

The sabotage laws make it a crime for anyone, with intent to interfere with the national defense, to attempt to injure or destroy any material, premises, or utilities which are important to the national defense.

There are other laws which make it a crime for two or more persons to "conspire to overthrow, put down, or to destroy by force the Government of the United States . . . or by force to prevent, hinder or delay the execution of any law of the United States." There are also laws which make it a crime to advocate or teach the overthrow of the United States Government, or any State or local government, by force or violence, to organize any group for that purpose, or to be a member of

such a group, knowing its purpose. In 1948, eleven of the most important leaders of the Communist Party in this country were indicted under these laws. After a long trial, all were convicted, and their conviction was affirmed by an appellate court on August 1, 1950.

In addition to the criminal laws outlined above, there is a set of laws governing immigration, naturalization, and travel between our country and others. These laws permit the Government to exclude or deport any alien from this country who may be dangerous to our internal security, and to forbid or to regulate the travel abroad of United States citizens who may be engaged in subversive activity.

The laws I have been describing apply to private citizens and groups. A special set of laws and procedures applies to Government employees. Here our purpose is to exclude or remove from Government service persons who may be disloyal, even though they have committed no crime, and to keep from positions of importance persons who cannot be trusted to maintain security regulations, even though they may be loyal citizens and satisfactory employees in all other respects.

More than three years ago, the Executive Branch revised and improved its procedures for dealing with questions of employee loyalty and security. These new procedures have proved effective in protecting the Government against disloyal persons and persons whose employment constitutes a security risk.

The various laws and procedures I have outlined make up a strong set of legal safeguards against acts by individuals and groups which strike at the internal security of the United States.

Over the last few years, we have successfully prosecuted several hundred cases in the courts under existing internal security laws. In this process we have obtained a great deal of experience in the application of these laws. We have discovered a few defects, some of them minor and others of greater importance, in some of the existing statutes. In view of the situation which confronts us, it is important that these defects be remedied. At this time, therefore, I wish to recommend that the Congress enact certain legislation before the close of the present session.

First, I recommend that the Congress remedy certain defects in the present laws concerning espionage, the registration of foreign agents, and the security of national-defense installations, by clarifying and making more definite certain language in the espionage laws, by providing an extended statute of limitations (in place of the present 3-year statute) for peacetime espionage, by requiring persons who have received instruction from a foreign government or political party in espionage or subversive tactics to register under the Foreign Agents Registration Act, and by giving broader authority than now exists for the President to establish security regulations con-

cerning the protection of military bases and other national-defense installations.

Second, I recommend that the Congress enact legislation permitting the Attorney General to exercise supervision over aliens subject to deportation and to require them, under the sanction of criminal penalties, to report their whereabouts and activities at regular intervals. In a number of cases, aliens under deportation orders cannot be deported because no other country will accept them. A bill pending before the Congress would permit the Attorney General in certain cases to detain such aliens in his custody for indefinite periods of time—not pursuant to a conviction for crime but on the basis of an administrative determination. Such action would be repugnant to our traditions, and it should not be authorized. Present law, however, is inadequate to permit proper supervision of deportable aliens, and should be strengthened as I have indicated.

Under the leadership of the National Security Council, the agencies of the Government which administer our internal security laws are keeping these laws under constant study to determine whether further changes are required to provide adequate protection. If it does appear that further improvements in these laws are needed, I shall recommend them to the Congress.

By building upon the framework now provided by our basic laws against subversive activities, we can provide effective protection against acts which threaten violence to our Government or to our institutions, and we can do this without violating the fundamental principles of our Constitution.

Nevertheless, there are some people who wish us to enact laws which would seriously damage the right of free speech and which could be used not only against subversive groups but against other groups engaged in political or other activities which were not generally popular. Such measures would not only infringe on the Bill of Rights and the basic liberties of our people, they would also undermine the very internal security they seek to protect.

Laws forbidding dissent do not prevent subversive activities; they merely drive them into more secret and more dangerous channels. Police states are not secure; their history is marked by successive purges, and growing concentration camps, as their governments strike out blindly in fear of violent revolt. Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.

We must, therefore, be on our guard against extremists who urge use to adopt police-state measures. Such persons advocate breaking down the guaranties of the Bill of Rights in order to get at the Communists. They forget that if the Bill of Rights were to be broken down, all groups, even

the most conservative, would be in danger from the arbitrary power of government.

Legislation is now pending before the Congress which is so broad and vague in its terms as to endanger the freedoms of speech, press, and assembly protected by the First Amendment. Some of the proposed measures would, in effect, impose severe penalties for normal political activities on the part of certain groups, including Communists and Communist Party-line followers. This kind of legislation is unnecessary, ineffective, and dangerous.

It is unnecessary because groups such as the Communists cannot accomplish their evil purposes in this country through normal political activity. They will be repudiated by the people as they have always been.

It is ineffective because it does not get at the real dangers from the Communists in this country. These dangers come, not from normal political activity, but from espionage, sabotage, and the building up of an organization dedicated to the destruction of our Government by violent means—against all of which we already have laws.

This kind of proposed legislation is dangerous because, in attempting to proscribe, for groups such as the Communists, certain activities that are perfectly proper for everyone else, such legislation would spread a legal dragnet sufficiently broad to permit the prosecution of people who are entirely innocent or merely misguided. As far as the real conspirators against our institutions are concerned, such legislation would merely have the effect of driving them further underground and making it more difficult to reach them. Furthermore, if such legislation were held unconstitutional, as it well might be, it would make martyrs out of our worst enemies and create public sympathy for them.

Extreme proposals of this type reflect the widespread public concern about communism which most of our people feel today. In some communities, this concern has resulted in the enactment of unnecessary or unconstitutional laws or ordinances designed to suppress subversive activity.

We must not be swept away by a wave of hysteria.

It is natural, perhaps, to think that we can wipe out the dangers which confront us by passing a law. But we cannot get rid of communism just by passing a law. We must, of course, have effective legal defenses, but the principal protection of a free society against subversion is an alert and responsible citizenry dedicated to the advancement of freedom through democratic means.

This is the way to build real security for our country—and every citizen can help. Everyone in public life has a responsibility to conduct himself so as to reinforce and not undermine our internal security and our basic freedoms. Our press and radio have the same responsibility. Private groups of all kinds, and citizens in their daily work and

in their homes, are equally concerned with the question of protecting our liberties and our national security. We must all act soberly and carefully, in keeping with our great traditions. This is important not only to our own country, but to the success of the cause of freedom in the world.

Throughout the world, communism is seeking to discredit our system of constitutional liberties. The Communists know that the leadership and good will which our Nation enjoys arise in great measure from the fact that men here have the blessings of liberty. Consequently, the propaganda of communism is devoted to a bitter and unceasing attempt to blacken and distort our national character and our way of life.

This propaganda is a formidable threat to the unity of the free nations in working for peace. The best answer to it is not words, but deeds. We must demonstrate that we are a country in which men can live together and advance together as a free society. This alone can prove the falseness of the Communist attack. It would be tragic in the highest degree if we were to frighten ourselves into destroying those very liberties which are the basis of our moral leadership in the struggle for peace.

I am determined that the United States shall be secure. I am equally determined that we shall keep our historic liberties.

Success in achieving both these objectives is of exceptional importance in the present period of international tension. For by our actions we must maintain the United States as a strong, free people, confident in our liberties, and moving forward with other free peoples to oppose aggression and to build a just peace for all mankind.

HARRY S. TRUMAN.

THE WHITE HOUSE, August 8, 1950.

National Action Essential in Absence of Collective Security

Statement by Secretary-General Lie

[Released to the press by the U.N. August 7]

It is understandable and in conformity with their responsibilities that member governments, when faced with the failure to make peace and the consequent delay in establishing a United Nations collective security system, should look to their own defenses and form such bilateral and multilateral associations as would, in their opinion, strengthen their security.

At such a time as this, I believe there must be strong national defenses and the people must be willing to carry the burden of armaments. Disarmament can come only as part of a collective security system and when an atmosphere of mutual confidence such as prevailed during the war has been reestablished.

Annual Report of the Secretary-General on the Work of the United Nations, July 1, 1949-June 30, 1950,¹

INTRODUCTION

My fifth annual report to the General Assembly on the work of the United Nations is written at a time of serious danger to the peace of the world and to the continued existence of the Organization.

United Nations Approach to the Problem of Peace

The judgment of the San Francisco Conference was that the best hope of preventing a third world war from occurring sooner or later lay in the creation, maintenance and development of a universal, world-wide organization within which could be peacefully contained all the different ideologies and conflicting aims of all the nations of the world.

This approach did not rule out bilateral and multilateral arrangements based on common interests of a regional, political, economic or cultural nature and aimed at strengthening the defences and systems of particular groups of nations and maintaining or improving their place in the world. Nor did it rule out the idea of peaceful competition between different systems and different cultures—competition by achievement, by example, by attraction, and by any other lawful means not involving the use of armed force.

The United Nations Charter, as I understand it, not only does not rule out any of these things; it provides for all of them either explicitly or implicitly. The United Nations conception does, however, give primacy to the maintenance and development of the one organization in which all nations can share—the United Nations. It does this because of the common recognition that military strength alone, or economic strength alone, or ideological strength alone, or any combination of

these has never, in the past and in the long run, prevented continent-wide and world-wide wars.

This order of priorities—this recognition of the supremacy of the United Nations and the secondary place of all other efforts at increasing the national security of individual nations—is clearly reflected in the Charter itself, in Article 103, which says:

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

I believe that the United Nations approach to the problem of peace is as right and necessary today as it was in 1945. The difficulty and the danger lie elsewhere.

Failure of the Allied Powers To Make Peace Settlements

Throughout its existence the Organization has been gravely hampered by the conflicts among the victorious Powers over the peace settlements of the Second World War. The founders of the United Nations provided separate machinery for the making of the peace treaties with Germany, Japan, and their allies.

The main piece of machinery for this purpose has been the Council of Foreign Ministers. It has succeeded in completing the peace treaties with Italy, Hungary, Romania, Bulgaria, and Finland. It has made substantial progress towards completing a peace treaty for Austria. However, it has so far failed to reach agreement on the terms of a peace treaty for Germany. Neither has the Council of Foreign Ministers nor the Far Eastern Commission attempted to write a peace treaty for Japan.

Without the basic settlements required to establish a foundation of reasonable stability and order in the world, the great and inevitable changes that are taking place will condemn mankind to chaos. It is the failure to make such settlements that, for five years, has prevented the United Nations from creating the system of collective security provided for in the Charter.

¹ General Assembly Official Records: Fifth Session, Supp. No. 1 (A/1287), Lake Success, N.Y. xiv, 143 pp., for sale by the International Documents Service, Columbia University Press, 2960 Broadway, New York 27, N.Y., at \$1.50 a copy. The report contains a review of the political and security questions; economic and social questions; trusteeship and non-self-governing territories problems; legal questions; development of public understanding; and organization, administration, and finance.

The essential elements of such a system of collective security do not yet exist. There is as yet no plan for the control, regulation, reduction or prohibition of armaments, including atomic bombs and other weapons of mass destruction. There is as yet no agreement in existence regarding the forces that should be pledged by Members under Article 43 of the Charter to enforce decisions of the Security Council against threats to the peace, breaches of the peace, and acts of aggression.

It should be clear by now that the creation of a United Nations system of collective security as it is envisaged in the Charter can be expected from the Member nations only as it results from or accompanies a settlement of the conflicts for power and position resulting from the defeat of Germany and of Japan.

United Nations Action To Restore Peace in Korea

The attack upon the Republic of Korea by North Korean forces is the latest and worst of a series of dangerous crises which have arisen for the most part out of the failure to arrive at a settlement of post-war problems, and the consequent failure to establish a collective security system based on universal acceptance. The Government of the Republic of Korea was chosen on the basis of elections held in South Korea under United Nations auspices. It was declared by the General Assembly at its third session to be the only lawful government in Korea. The General Assembly on various occasions has also called upon Member States and all Koreans to assist in every possible way the work of the United Nations Commission on Korea, and to refrain from any acts derogatory to the purposes of the Assembly's resolution, which were directed towards the peaceful reunification of Korea under a freely elected democratic government.

Defiance of the United Nations by armed force under the circumstances prevailing in Korea constitutes a threat to international peace of a most serious character, worse even than the deadlock in Berlin, where the use of armed force did not occur.

In this situation there has been only one thing for the United Nations to do—to act quickly and decisively. This the Security Council did. The Council branded the fighting a breach of the peace under Chapter VII of the Charter and called for a cease-fire within twenty-four hours of the first word of the fighting. Two days later, when fighting continued in spite of the Security Council's demand for a cease-fire, the Council acted again.

The Council did not have at its disposal the forces that it should have had under Article 43 for enforcement purposes. Instead, it recommended—

... that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.

The United States of America, and other countries, are providing assistance to the Republic of Korea in the form of both military material and contingents of their armed forces. At this moment, as I complete my annual report, these forces are fighting on behalf of the United Nations to assist the Republic of Korea to repel the attack and to restore international peace and security in Korea. On the recommendation of the Security Council, they are fighting under the unified command of the Commander designated by the United States of America. Further, the Council has authorized the use by these United Nations forces of the United Nations flag. The United States has been requested to report on the course of action taken under the unified command.

At the present date (12 July) there is no means of foreseeing the outcome of the United Nations action. Forty-seven Governments have notified me of their support for the decisions and recommendations of the Security Council. The Union of Soviet Socialist Republics and certain other Governments have maintained that the Security Council acted illegally and have refused their support.

Once peace is restored in Korea, it will then be more important than ever that a new attempt should be made to resume the processes of negotiation, mediation and conciliation for the settlement of the conflicts that divide the world and threaten to condemn us all to a third world war.

Peace is what we must work for—peace, not war, not only in Korea but in the whole world.

The United Nations has already used the machinery of negotiation, mediation, and conciliation to help prevent or stop wars in the Near East, in Indonesia and between India and Pakistan. It has exerted its pacifying influence in disputes occurring in other parts of the world as well. The most dangerous of these, the great Power deadlock over Berlin, was resolved by an agreement that crowned efforts made, both outside and inside the United Nations, to settle the dispute.

Record of the United Nations

During the first five years of its existence, the United Nations system has repeatedly demonstrated its capacities in many other fields.

The most cursory re-examination of the record of the Organization will furnish convincing evidence of achievement, and of greater potentialities for the future. In the face of political difficulties of a most fundamental nature, the Member Governments have, nevertheless, succeeded in creating and operating a vast and effective system for co-operative world action in virtually every field of human endeavour.

Where abundant achievements are not as yet apparent it must be remembered that, particularly in the economic and social field, the first years have been used to lay a groundwork that is now

just nearing completion. It would be a tragic waste if this foundation were to be destroyed or left idle on account of political strife, when there is such great need for mankind to pool its resources for attaining higher standards of life and greater social progress.

Even during the past twelve months, when it has been operating under the most severe handicaps, the Organization has continued to do much good and useful work. Its accomplishments, together with the record of the accompanying disappointments and the temporary failures, are discussed in the chapters of my report. Here I need only list the major decisions and acts of the United Nations between 1 July 1949 and 30 June 1950, which have been or can be of constructive benefit to the world:

1. The decisions of the General Assembly in favour of the independence of Libya within two years, and of Somaliland after ten years of trusteeship, and the establishment of agencies to assist in carrying out these decisions.

2. The transfer of sovereignty over Indonesia by the Netherlands to the Republic of the United States of Indonesia, the culmination of a three-year process in which the United Nations played a major mediatory role.

3. The renewed effort of the Security Council to settle the dispute over Kashmir between India and Pakistan by sending a United Nations representative to the spot to assist the parties in the preparation of a plan of demilitarization and to supervise its implementation.

4. The successful maintenance of the armistice regimes between Israel and her neighbours through the operation of the United Nations Mixed Armistice Commissions, despite the delays and differences preventing the conclusions of a definitive peace settlement for the area.

5. The progressive pacification of the northern borders of Greece after three years during which the United Nations Special Committee on the Balkans and its predecessor performed a useful and necessary observer role, although unable to secure a settlement of outstanding disputes between Greece and her northern neighbours.

6. The launching of the United Nations expanded programme of technical assistance for economic development by unanimous action of the General Assembly, followed by the decisions of the Technical Assistance Conference and the pledging of \$20 million by the Member States for the first period of the programme.

7. The holding of the United Nations Scientific Conference on the Conservation and Utilization of Resources, which produced a valuable exchange of ideas and knowledge among leading resource scientists and conservationists and will thus serve as a well-spring for future international action.

8. The preparation by the Commission on Human Rights of the first of a series of covenants aimed at giving expression in international law

to various human rights proclaimed in the Universal Declaration of Human Rights.

9. The long-sought agreement of the principal opium-producing countries on a plan for limiting the world production of opium to that required for medical needs, to be achieved by the establishment of an international opium monopoly with a view to strengthening the control of narcotics and hence checking drug addiction.

10. The establishment of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to take over the relief of Arab refugees and to provide for public works projects to replace direct relief, in line with proposals made by the United Nations Economic Survey Mission.

11. The decision to appoint a High Commissioner for Refugees, when the International Refugee Organization terminates its programme in 1951, and to establish a permanent office under his direction.

12. The further development of the international supervisory functions of the United Nations Trusteeship System by the receipt and examination of a greatly increased number of petitions and by visits to eight of the Trust Territories of the periodical visiting missions of the Trusteeship Council; the formulation and negotiation, for former Italian Somaliland, of a trusteeship agreement incorporating provisions designed to strengthen the system of supervision not found in other trusteeship agreements.

13. The advisory opinion of the International Court of Justice reaffirming the principle of international responsibility for South West Africa.

14. The steadily increasing calls upon the International Court of Justice for advisory opinions and for the settlement of juridical disputes.

The above list could be extended. As it stands it is, I think, sufficient to demonstrate the continuing usefulness of the United Nations during the past twelve months in the face of the most crippling effects of the "cold war" that the Organization has yet suffered.

Question of the Representation of China

The first crisis for the Organization during the year was the outcome of the civil war in China. Both the Nationalist Government, now in Formosa, and the Central Government of the People's Republic of China at Peking, which controls the mainland, claim the right to represent the Republic of China in the United Nations. The dispute has been made the more serious because the Republic of China is one of the five permanent members of the Security Council, and because the Soviet Union, followed by other eastern European countries, has refused to participate in meetings of the United Nations organs in which China is represented by a Nationalist delegate.

As Members are aware, since February I have

made every effort to assist in discovering a solution of the deadlock.

In the first place, in so far as the representation of China is concerned, I have urged an inquiry to determine which government has the power to employ the resources and direct the people of the State in fulfilment of the obligations of membership in the United Nations. I have expressed the opinion that the government which has the power should represent China in the United Nations. Otherwise, the people of China are denied their fundamental constitutional right under the Charter to be represented in the United Nations at all times.

I have taken the position that this inquiry should be undertaken and its findings should be applied without reference either to boycotts or to the policies of recognition or non-recognition on the part of any Member State. I have urged that the question of the representation of China in the United Nations—which is a constitutional and legal question—should be separated from extraneous considerations that arise on both sides from the present world situation.

Continuing Deadlock in the World Conflict

The dispute over the representation of China would not have assumed such dangerous proportions had it not been for the overriding crisis in world affairs.

When I presented my fourth annual report one year ago, there was renewed hope that the "cold war" might be moderated during the succeeding months. The Council of Foreign Ministers had just met for the first time in more than a year. It had formally approved the agreement breaking the Berlin deadlock, and had instructed the Deputies to complete the peace treaty for Austria. Although no progress had been made in respect of a peace treaty for Germany, it was indicated that the Foreign Ministers might meet again in New York during the fourth session of the General Assembly.

The hope for a resumption of active negotiations on a peace treaty for Germany was disappointed. The Council of Foreign Ministers did not meet during the fourth session and has not met since. The Deputies have not succeeded in reaching agreement on the last remaining points of difference over the peace treaty for Austria.

Although there was no *rapprochement* between the two conflicting points of view during the fourth session of the General Assembly, it was the desire of the Assembly that the great Powers should resume negotiations on major issues outstanding between them in the United Nations, particularly on atomic energy. On that issue, the Assembly specifically asked the six permanent members of the Atomic Energy Commission to explore all possible avenues and examine all concrete suggestions with a view to determining whether they might lead to an agreement.

Once again the renewed hope for a resumption of negotiations within the United Nations was doomed to disappointment. The question of the representation of China came to a head, and this was followed by the refusal of the Soviet Union to participate in meetings attended by representatives of the Chinese Nationalist Government.

Instead of the hoped-for resumption of negotiations, Members have been faced since the beginning of 1950 by a total stalemate on the outstanding issues of the world conflict. Not only has there been no progress whatever in enlarging the area of agreement, but the parties have not even sat down together at the conference table. As long as this state of affairs is permitted to continue, the world will remain committed to an intensification, month by month, of the conflict.

Efforts Towards Breaking the Deadlock

In the face of this very dangerous state of affairs, I have felt it my duty as Secretary-General to make whatever contribution lay within the scope of my powers and duties towards breaking the deadlock, restoring the United Nations to full working order and acting in other ways on behalf of the preservation of peace.

Believing that the situation called for nothing less than a reaffirmation of the whole United Nations approach to the problem of peace-building and a fresh start by Governments, I prepared a memorandum containing a series of points for consideration in developing a twenty-year programme for achieving peace through the United Nations. I discussed this memorandum with the Heads of the Governments and with the Foreign Ministers of the United States of America, the United Kingdom, France, and the Soviet Union during my visits this spring to Washington, London, Paris, and Moscow. On 6 June 1950, I formally submitted the memorandum to the Governments of the fifty-nine Member States, together with a covering letter, and I have now placed it on the provisional agenda of the coming session of the General Assembly.

I should like to repeat here the introductory statements of that memorandum setting forth my beliefs and my approach to the present crisis:

As Secretary-General, it is my firm belief that a new and great effort must be attempted to end the so-called "cold war" and to set the world once more on a road that will offer greater hope of lasting peace.

The atmosphere of deepening international mistrust can be dissipated and the threat of the universal disaster of another war averted by employing to the full the resources for conciliation and constructive peace-building present in the United Nations Charter. The employment of these resources can secure eventual peace if we accept, believe and act upon the possibility of peaceful co-existence among all the Great Powers and the different economic and political systems they represent, and if the Great Powers evidence a readiness to undertake genuine negotiation—not in a spirit of appeasement—but with enlightened self-interest and common sense on all sides.

Measures for collective self-defence and regional

remedies of other kinds are at best interim measures, and cannot alone bring any reliable security from the prospect of war. The one common undertaking and universal instrument of the great majority of the human race is the United Nations. A patient, constructive long-term use of its potentialities can bring a real and secure peace to the world. I am certain that such an effort would have the active interest and support of the smaller Member States, who have much to contribute in the conciliation of Big-Power differences and in the development of constructive and mutually advantageous political and economic co-operation.

The ten points made in my memorandum are some of them procedural and some of them substantive. They are not intended to be a definitive and formal programme. They constitute rather an outline of preliminary proposals as a basis for a programme. Taken together, they represent an over-all approach to the problem of peace based on the spirit and intentions of the United Nations Charter and its founders and designed to secure for this purpose increasing and more effective use by the Governments of Member States of the machinery of the United Nations and the specialized agencies.

Need for a Resumption of Negotiations Within the United Nations

A requirement for the successful launching of a new effort to revitalize the United Nations and bring its full resources to bear upon the "cold war" is to gather around the same table the policy-making officials of the principal Powers. Most negotiations in the United Nations are, normally and rightly, carried on by the permanent representatives. But the founders of the United Nations also saw that it would be necessary to bring together from time to time the men who make policy as well as the men who execute it.

The provisions in the Charter and in the rules of procedure for the Security Council for periodic meetings twice a year were drawn up to meet this need. Such meetings, if properly conducted, would provide an opportunity for a review at the highest level of outstanding issues. Clearly, they should be most carefully prepared in advance. There may be, and probably will be, occasions when these exchanges of views, no matter how carefully prepared, will fail to bring the parties closer to agreement. That need not lead to disappointment, provided it is understood in advance that such meetings cannot be expected to produce solutions by magic and that they should be regarded instead as an important part of a continuing process of negotiation—a process which in the United Nations should never end.

I felt that the time had come when these provisions should be implemented. The extended deadlock, the virtual absence of contact between the two opposing parties for a period of many months, the increased tempo of propaganda on all sides, the high state of tension, all seemed to be to underline the great need for a meeting of the Foreign Min-

isters, even if only for the purpose of starting the wheels of negotiation turning once again.

The emergency created by the breach of the peace in Korea interrupted my efforts to bring about such a meeting. The need for it, however, will be greater than ever when United Nations action has succeeded in restoring peace to Korea. I do not believe that Member States adhering to the Charter can ever accept the doctrine of irreconcilable and irrevocable division of the world into warring camps, not so long as the least possibility exists of preventing a third world war by peaceful settlements based on the principles of the Charter. But I also believe it will take nothing less than a bold and enlightened act of statesmanship to bring about a resumption of negotiations and to halt further deterioration towards another world war.

Universality of Membership

The Members of the United Nations are well aware of my views on universality of membership. I have expressed them in two previous annual reports. These views have been strengthened by the further worsening of the international situation and by the increasing number of walls and curtains of distrust and suspicion that separate the nations. The United Nations is the one organization in existence that belongs to the whole world and I believe every reasonable step should be taken to enable the whole world to belong to the Organization. There are all kinds of governments and all kinds of economic and social systems. The United Nations is the place where they should meet to negotiate, and, when necessary, to mediate and to conciliate.

The executive heads of the specialized agencies and I have joined in a report to the Economic and Social Council in which we have made a strong plea for the maintenance of the spirit of universality in the approach to peace and to increased economic and social well-being. We have asked all Governments to make renewed efforts towards achieving in fact true universality in the membership and programmes of the United Nations and of those of the specialized agencies which are founded on that principle.

United Nations Action To Raise Standards of Living

I feel that the specialized agencies of the United Nations have demonstrated their potentialities for the promotion of peace and prosperity in the Member States. Unfortunately, these potentialities remain largely unrealized as a result of the non-participation of some countries and because of the rather narrow limits of the aid given by most of the participating Governments to the specialized agencies and of the secondary role in foreign policy generally assigned to their work.

In my report last year, and on other occasions,

I have called attention to the immense changes that have occurred¹ in Asia since the war. The peoples of that continent, which includes more than half the whole population of the world and possesses the richest undeveloped resources, have moved and are continuing to move with irresistible force towards full national emancipation and equal partnership with the rest of the world. The United Nations has helped this movement, and will continue to help it, I hope, in many ways. The influence of the Organization has been and should be exerted towards securing the necessary changes by peaceful means instead of by the use of force. Although Africa lags behind Asia in the forward movement towards equality, the peoples of Africa are equally determined to win their way to a better life. The United Nations is helping them also.

But there is a further aspect of the problem. The peoples of Asia and Africa, like the peoples of other under-developed areas of the world, are faced with pressing social and economic needs which require tremendous efforts to meet them, not least because these efforts are so long overdue. The extent and nature of these economic and social needs are not always easily understood by more fortunate peoples living far away. Nevertheless, the problems are there and must be wrestled with.

Hundreds of millions of human beings are anxiously awaiting the dawn of a new life. Notwithstanding the complex and difficult character of the action that needs to be taken, any avoidable delay at this stage might easily exhaust the patience of millions—a patience which has long been heavily taxed. The peoples of Asia and of under-developed areas in other parts of the world as well, are calling for action now.

The true interests of the world at large are not in conflict with this justified desire. The interdependence of all continents and areas does in fact require a series of bold acts, beginning at the earliest possible moment and extending over many years, to replace the widespread misery and poverty of the under-developed areas by a steadily increasing prosperity and improved social organization which, in turn, will prove of benefit to the whole world.

Viewed in this light, the expanded United Nations programme of technical assistance for economic development is a good beginning, but only a beginning. A vast programme of self-help and mutual aid is needed, conceived with boldness and soundly executed, embracing not only technical assistance but financial investment, and many other measures to increase industrial and agricultural production, to expand world trade and to introduce better techniques for dealing with health, education and welfare problems.

Clearly, such a programme can be developed only step by step and it cannot go faster than the capacity of the Member States to execute it will allow. Clearly, also, it will be difficult to allocate sufficient resources unless the competing claim of

arms production on these resources caused by the "cold war" can be lessened. I believe, however, that even the first steps in the development of such a programme can help to reduce the present tensions.

Future of the United Nations and Prospects of World Peace

At the time that this report is written it is not possible to be confident about the future of the United Nations and the prospects of world peace. But it is equally impossible to be hopeless. There is too much support among the peoples of the world for the United Nations and too much constructive work being carried on under United Nations auspices to permit any of those who bear the burdens of authority in the Governments of Members or in the Secretariat of the United Nations to relax for an instant in the determination to do everything possible to save the United Nations as a universal Organization standing firmly against war and to make it a stronger instrument for peace and progress.

If the United Nations is able to emerge intact and successful from the present crisis, its strength and influence will be immeasurably enhanced, and the world will be much closer to lasting peace than at any time since 1945.

TRYGVE LIE
Secretary-General

12 July 1950

EXCERPTS FROM STATEMENT BY SECRETARY-GENERAL TRYGVE LIE¹

The job of the United Nations is to do all it can to prevent a third world war, by conciliation whenever possible, by force when necessary.

In Korea, there has plainly been a well-prepared armed attack by North Korean forces upon the Republic of Korea, which was established under United Nations auspices.

That attack is being met, as it should be, by collective United Nations action to repel it and to restore peace in Korea.

It is my duty as Secretary-General, as it is the duty of all the member governments, to do everything to bring this United Nations action in Korea to a successful conclusion.

That is the first priority now.

This does not mean, however, that either the member governments, or I as Secretary-General, should abandon efforts for peace by negotiation, conciliation, and mediation.

¹ Made on the occasion of the release of the fifth annual report for an NBC Broadcast by the U.N. and the University of Chicago Round Table on Aug. 6 and released to the press by the U.N. on the same date.

Fifth Regular Session of the General Assembly

PROVISIONAL AGENDA

September 19, 1950, Flushing Meadow, New York

U.N. doc. A/1293
Dated July 21, 1950

1. Opening of the session by the Chairman of the delegation of the Philippines
2. Minute of silent prayer or meditation
3. Appointment of a Credentials Committee
4. Election of the President
5. Constitution of the Main Committees and election of officers
6. Election of Vice-Presidents
7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter
8. Adoption of the agenda
9. Opening of the general debate
10. Report of the Secretary-General on the work of the Organization
11. Report of the Security Council
12. Report of the Economic and Social Council
13. Report of the Trusteeship Council
14. Election of three non-permanent members of the Security Council
15. Election of six members of the Economic and Social Council
16. Election of two members of the Trusteeship Council
17. Appointment of the Secretary-General of the United Nations
18. Installation of the Assistant Secretary-General in charge of Conference and General Services
19. Admission of new Members: advisory opinion of the International Court of Justice (resolution 296 J (IV) of 22 November 1949)
20. Palestine:
 - (a) Question of an international regime for the Jerusalem area and protection of Holy Places: special report of the Trusteeship Council (resolution 303 (IV) of 9 December 1949)
 - (b) Assistance to Palestine refugees: report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (resolution 302 (IV) of 8 December 1949)
21. Former Italian colonies (resolution 289 (IV) of 21 November 1949):
 - (a) Report of the United Nations Commissioner in Libya
 - (b) Report of the Administering Powers in Libya
 - (c) Draft Trusteeship Agreement for Italian Somaliland: special report of the Trusteeship Council
 - (d) Report of the United Nations Commission for Eritrea
 - (e) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea
 - (f) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement
22. Threats to the political independence and territorial integrity of Greece (resolution 288 (IV) of 18 November 1949):
 - (a) Report of the United Nations Special Committee on the Balkans
 - (b) Repatriation of Greek children: report of the Secretary-General
23. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations: report of the Interim Committee of the General Assembly (resolution 292 (IV) of 8 December 1949)
24. The problem of the independence of Korea: report of the United Nations Commission on Korea (resolution 293 (IV) of 21 October 1949)
25. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: advisory opinion of the International Court of Justice (resolution 294 (IV) of 22 October 1949)
26. International control of atomic energy (resolution 299 (IV) of 23 November 1949)
27. Action to achieve or maintain full employment and economic stability: report of the Economic and Social Council (resolution 308 (IV) of 25 November 1949)
28. Economic development of under-developed countries: report of the Economic and Social Council (resolution 306 (IV) of 16 November 1949)
29. Co-ordination between the United Nations and the specialized agencies:

- (a) Agreements between the United Nations and the specialized agencies: report of the Economic and Social Council (resolution 309 (IV) of 24 November 1949)
 - (b) Concentration of effort and resources: report of the Economic and Social Council (resolution 310 (IV) of 24 November 1949)
 - (c) Administrative budgets of the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions
 - (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies: report of the Secretary-General
30. Draft Convention on Freedom of Information: report of the Economic and Social Council (resolution 313 (IV) of 20 October 1949)
31. Advisory social welfare services: report of the Economic and Social Council (resolution 316 (IV) of 17 November 1949)
32. Refugees and stateless persons (resolution 319 (IV) of 3 December 1949):
- (a) Provisions for the functioning of the High Commissioner's Office for Refugees: draft resolution proposed by the Economic and Social Council
 - (b) Definitions of the term "refugee" to be applied by the High Commissioner for Refugees: recommendations of the Economic and Social Council
 - (c) Problems of assistance to refugees: Memorandum from the General Council of the International Refugee Organization of 20 October 1949
 - (d) Election of the High Commissioner for Refugees
33. Administrative unions affecting Trust Territories: report of the Trusteeship Council (resolution 326 (IV) of 15 November 1949)
34. Information from Non-Self-Governing Territories:
- (a) Summary and analysis of information transmitted under Article 73e of the Charter: report of the Secretary-General
 - (b) Information transmitted under Article 73e of the Charter: report of the Special Committee
 - (c) Election of two members of the Special Committee (resolution 332 (IV) of 2 December 1949)
35. Question of South West Africa: advisory opinion of the International Court of Justice (resolution 338 (IV) of 6 December 1949)
36. Headquarters of the United Nations: report of the Secretary-General (resolution 350 (IV) of 24 November 1949)
37. Financial reports and accounts, and reports of the Board of Auditors:
- (a) United Nations, for the financial year ended 31 December 1949
 - (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949
 - (c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950
38. Status of budgetary authorizations for the financial year 1950:
- (a) Statement of 1950 budget expenses to 30 June 1950
 - (b) Advances from the Working Capital Fund: report of the Secretary-General (resolution 358 (IV) of 19 December 1949)
 - (c) Unforeseen and extraordinary expenses for 1950: report of the Secretary-General (resolution 357 (IV) of 10 December 1949)
 - (d) Supplementary estimates for 1950: report of the Secretary-General
39. Budget estimates for the financial year 1951:
- (a) Budget estimates prepared by the Secretary-General
 - (b) Salary, allowance and leave system of the United Nations: report of the Secretary-General
 - (c) Reports of the Advisory Committee on Administrative and Budgetary Questions
40. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (resolution 343 (IV) of 20 October 1949)
41. Permanent Financial Regulations of the United Nations: report of the Secretary-General
42. Permanent Staff Regulations of the United Nations: report of the Secretary-General
43. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:
- (a) Advisory Committee on Administrative and Budgetary Questions
 - (b) Committee on Contributions
 - (c) Board of Auditors
 - (d) Investments Committee: confirmation of the appointment made by the Secretary-General
 - (e) United Nations Administrative Tribunal
44. United Nations Joint Staff Pension Fund: annual report of the United Nations Staff Pension Committee
45. Expenses of the Permanent Central Opium Board. Assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs: report of the Secretary-General (resolution 353 (IV) of 24 November 1949)
46. Organization of a United Nations postal administration: report of the Secretary-General (resolution 342 (IV) of 20 October 1949)
47. United Nations telecommunications system: report of the Secretary-General (resolution 240 (III) of 18 November 1948)
48. Convention on the declaration of death of missing persons: report of the Secretary-General (resolution 369 (IV) of 3 December 1949)
49. Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions: report of the Secretary-General (resolution 362 (IV) of 22 October 1949)
50. Reparation for injuries incurred in the service of the United Nations: report of the Secretary-General (resolution 365 (IV) of 1 December 1949)
51. Designation of non-Member States to which a certified

copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act: report of the Secretary-General (resolution 372 (IV) of 3 December 1949)

52. Report of the International Law Commission on the work of its second session
53. Draft Declaration on Rights and Duties of States: report of the Secretary-General (resolution 375 (IV) of 6 December 1949)
54. Draft rules for the calling of non-governmental conferences: report of the Secretary-General (resolution 367 (IV) of 3 December 1949)
55. Registration and publication of treaties and international agreements: report of the Secretary-General
56. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America: report of the Secretary-General
57. Reservations to multilateral conventions: item proposed by the Secretary-General
58. Treatment of people of Indian origin in the Union of South Africa: item proposed by India
59. Permanent invitation to the Arab League to attend sessions of the General Assembly: item proposed by Syria
60. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy: item proposed by Egypt
61. Development of a 20-year program for achieving peace through the United Nations: item proposed by the Secretary-General
62. Recognition by the United Nations of the representation of a Member State: item proposed by Cuba

NAC Deputies Work To Increase Strength of Defensive Forces

Statement by Secretary Acheson

[Released to the press August 11]

I am encouraged by the work which the North Atlantic Council deputies have done so far and believe that in the future they will be able to give substantial assistance to integrating individual national efforts of the North Atlantic Treaty countries into effective common action. Mr. Spofford has told me of the action which the deputies took during their first 2 weeks of meetings. This action was along two parallel lines of effort in increasing the defensive strength in the North Atlantic area.

The deputies requested the appropriate North

Atlantic Treaty Organization bodies to prepare expanded and accelerated military production programs for high priority items of military equipment and to report these to the deputies later this month.

The deputies also agreed to consult the governments with regard to the immediate steps which the governments will take to increase effective military forces for the defense of the North Atlantic area within a year's time and to report these plans in the meetings of the deputies later this month. Mr. Spofford, the chairman of the North Atlantic Council of Deputies, was requested to consult with Secretary Johnson, chairman of the Defense Committee, to obtain recommendations as to further action the deputies might take with a view to immediate strengthening of defense forces. These reports will constitute the basis for further work by the deputies when they reconvene on August 22.

Mr. Spofford has told me that the deputies were convinced that, as a result of the act of aggression committed against the Republic of Korea and the fact that aggression in other parts of the world cannot be ignored, it is even more urgent than before that immediate steps be taken to strengthen the defenses of the North Atlantic area. Mr. Spofford believes that the deputies are determined to spare no efforts in assisting the governments in rendering the support which the situation requires.

Hooker A. Doolittle Leaves for Indonesia

Hooker A. Doolittle, United States representative on the United Nations Commission for Indonesia, left New York on August 3 for his new post. Mr. Doolittle received his commission of appointment from President Truman on July 29, following Senate confirmation. He holds the personal rank of Minister and will replace Edward A. Dow, Jr., a Foreign Service officer who has been the acting United States representative on the Commission since December 28, 1949.

Mr. Doolittle will join representatives of Australia and Belgium as the third member of the United Nations Commission charged with observing the implementation of the agreements entered into last year by the Netherlands Government and Indonesian representatives at the Hague round-table conference. These agreements provide for the sovereign status of the Indonesians within the Netherlands Union and set forth in detail the ways in which relations between the Netherlands and its former colony are to be determined.

United States Expresses Views in ECOSOC on Full Employment

Excerpts From Statement by Isador Lubin

U.S. Representative in the Economic and Social Council¹

MR. PRESIDENT: As you pointed out at our last session, the members of the Economic and Social Council were obligated to do three things with regard to the experts' report on full employment. They were to study it carefully, to give it as wide publicity as possible, and, to express the views of their Governments on the report and to submit any alternative proposals which they may have.

My Government attempted to meet these obligations fully. Various agencies and departments of the United States Government have studied the report in detail. My Government has also sought the views of organized labor groups, farmers' organizations, business groups, and citizens' associations. It has received their valuable comments and suggestions.

On the basis of these studies and discussions, I shall undertake to express the views of my Government on the experts' report.

The Economic and Social Council and the Secretary-General's action in appointing a committee of experts was prompted by the desire of the member nations to give more concrete meaning to the pledge of a full employment policy in the United Nations Charter. This pledge represents acceptance of new responsibilities by governments, and it reflects a deeply rooted insistence of the people all over the world to banish fear of want and insecurity.

May I reaffirm, Mr. President, that the Government and the people of the United States accept these responsibilities. They are determined that our current high levels of economic activity shall be maintained and strengthened.

We agree with the experts that the full employment pledge of the United Nations Charter and similar declarations of national policy by individual countries mark a "historic phase in the evolu-

tion of the modern conception of the functions and responsibilities of the democratic state."

Our own declaration of policy in this respect is embodied in legislative action by our Congress. Expressing the interests of our people, the Congress of the United States, in the Employment Act of 1946, declared:

... that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.

The popular demand upon which this declaration of a full employment policy was based was not capricious or fleeting. It was born of two cataclysmic experiences, shared also by the rest of the world: the experience of the great depression of the thirties and the experience of the war. The first gave us the determination that, never again, shall we tolerate the frustration and waste that result from depressions; the second demonstrated in dramatic contrast what human initiative and skill and modern technology can produce under free governments, and with free labor, if all resources are effectively employed.

The efforts of the Government to protect our people from the hardships of depression developed from temporary emergency measures into new programs of lasting value. Thus, the functions of government today, as compared with 20 years ago, reflect profound changes in our social and economic policies and institutions. We now have social security for the aged, the unemployed, and the dependent. Bank deposit insurance, the regulation of the security market, and the stimulation of certain types of investment have become ac-

¹ Made at plenary meeting of the 11th session of Ecosoc at Geneva on July 17 and released to the press by the U.S. delegation, Economic and Social Council, on the same date.

cepted functions of our Government. Public housing programs are being forwarded side by side with measures to stimulate private housing. We aid our farmers through farm price and income supports. We also have undertaken to make agriculture more productive and farm life more attractive by soil conservation programs by extending rural roads, schools, and electric power lines. The conservation and development of our resources, particularly in the field of water and power, have become a major responsibility of government. These public functions have been carried forward in a manner that promotes both private initiative and the general welfare.

Conception Gained From War Experience

The experience of the war gave us renewed confidence that we could raise our sights still further. It gave us a conception of what we could expect an economy of free enterprise and free labor to produce under peaceful conditions. It gave tangible evidence of the substantial rise in standards of nutrition, clothing, and other amenities of life that are possible with modern technology.

Even before the war was over, we, the people of the United States, through our Government and private organizations, undertook to make real the promise of these potentialities of our economy.

We surveyed our housing conditions and appraised the tremendous improvements which were needed and possible.

We assessed our natural resources, our rivers, forests, and soil and inventoried the work that had to be done in order to preserve and effectively utilize what nature had given us.

We reviewed our educational, cultural, medical, and recreational facilities and noted the great and sustained effort that was necessary to provide a growing population with progressive standards in these fields.

And, equally important, we assessed the destruction and suffering that war had brought to many areas of the world; and we determined that we would not fail in doing our part in a joint effort of international reconstruction.

As we envisaged all the work that should be done, we were in hope that we were entering a phase of peace and world-wide cooperation and that the resources we had utilized for war could be entirely converted to urgent peacetime purposes. To a large extent, we did convert such resources to the purposes of peace.

A wartime Federal budget of almost 100 billion dollars in the fiscal year 1945 was cut down to below 34 billion dollars by the fiscal year 1948. Military and defense expenditures, alone, were cut from 85 billion dollars to 11 billion dollars. As fast as resources were released from war use, they were devoted to replacing and expanding industrial equipment, to restocking depleted inventories, to building homes, and to increasing consumption and raising the standard of living.

By 1947, it became evident that our hopes for a peaceful and cooperative world were not materializing to the extent we had expected. As a result, we felt compelled to increase budget expenditures for defense from 11 billion dollars in the fiscal year 1948 to 13.5 billions in subsequent years. This was a moderate increase. But the important thing to us was that it was an increase. We had hoped for a reduction. This increase in armament expenditures, together with the requirements of foreign aid programs, during a period of expanded domestic investments, created such a demand on our resources that we had to combat inflationary trends and a strain on our labor resources rather than, as some had expected, fight deflation and unemployment.

Mr. President, I submit that the cynical suggestion that the United States has relied on increased armament and foreign aid programs to maintain full employment is an unmitigated distortion. The truth is the very opposite. The magnitude of these programs forced restraint and postponement of many urgently needed domestic projects. The fact that, now, 5 years after the end of the war, many of our schools are still badly overcrowded, many of our roads in poor repair, and many of our housing and community development projects are being undertaken at a pace far below our need can be attributed in major degree to the competing needs of defense and international aid expenditures.

The profound changes in the economy of the United States that have taken place during the past two decades have been accompanied by a tremendous increase in our economic strength. The annual output of the United States has grown from 145 billion dollars in 1929 to 270 billions in 1950, measured in constant dollars. Our total annual investment in plant and equipment is more than twice as high as in the prewar period. In terms of 1950 dollars, it has risen from 11.4 to 24.7 billions. We built more than a million new dwelling units in 1949. We shall build more than a million and a quarter in 1950. Consumption per capita, measured in real terms, is now more than one-third above the prewar level of 1939.

Nor does this per capita average tell the whole story. Compared with prewar years, the distribution of incomes has become somewhat more even, with the result that the standard of living in lower income brackets has increased by substantially more than this average.

These changes in our economy have been reflected not only in the increases in our total output and in the higher living standards of our people but also in a greatly increased shock resistance and resiliency in our economy as demonstrated by the course of the recession of 1949 and the subsequent recovery.

When industrial production decreased by more than 10 percent over the course of half a year, the flow of income and the rate of consumption hardly

fell at all. As compared with 59.6 million in June of a year ago, civilian employment last month—before the attack on Korea—aggregated 61.5 million, a peacetime record for this season of the year. Unemployment, on an adjusted basis, fell from approximately 6 percent of the labor force to less than 5 percent. From the low point of July 1949, the index of production has risen, in June 1950, by 22 percent.

The moderate character of the recession of 1949, as compared to the downturn following World War I, has given renewed confidence to American business. Plans for new plant and equipment have been revised upward and inventories expanded.

Gratifying and reassuring as this rapid recovery has been, it has by no means removed our concern over possible future depression and large scale unemployment. Should the need arise, we are prepared to put into effect, any or all of the familiar devices. We have programs in preparation for legislative adoption. The devices that we shall use will be determined by the causes and character of such emergency as may develop.

However, we are not satisfied simply with measures by which the Government tries to offset fluctuations in the economy. We are aiming beyond that—at a more ambitious goal, namely, the promotion of a private enterprise system in which the various sectors grow in balanced proportion. This task of economic stabilization requires more than government action; it requires a cooperative effort, shared alike by business, farmers, labor, and government.

It cannot be overemphasized that economic stabilization is not merely an isolated technical problem. The policy of the United States, as embodied in the Employment Act, aims at reconciling the objectives of economic and social progress, economic security, and individual liberty.

We appreciate the fact that these three objectives, if pursued to the extreme, might become incompatible with one another. The most rapid economic and social advancement, if pursued without regard to any other consideration, may create instability. Absolute assurance of economic security might interfere with the flexibility needed for progress, or might lead to a degree of economic regulation and regimentation that would interfere with desirable individual freedom in economic affairs.

We recognize that each nation must work a reconciliation among these objectives in its own way.

Our own experience has brought home to us that freedom, progress, and security are goals that are possible of achievement and that none need be sacrificed for the others.

Summary and Conclusion

Mr. President, in summary, my Government

takes the following position with respect to the experts' report:

With respect to the domestic measures:

1. We accept the idea of full employment targets. We prefer however, that they be expressed not only in terms of unemployment but also in terms of employment, production, and other relevant factors to provide more effective guides in the formulation of full employment programs.

2. We accept the proposition that each country should adopt and announce a comprehensive program for full employment.

3. We believe that the experts overemphasize compensatory measures and treat inadequately those measures which are designed to promote balanced economic expansion.

4. We agree with the experts that each country should prepare suitable programs ready for adoption in case of substantial unemployment. We do not agree, however, that mechanical schemes for automatic compensatory changes in tax rates, social security contributions, or in other programs are effective or desirable means of bringing about stabilization.

5. We agree with the recommendation that each country should adapt its legislative and administrative procedures and its statistical services to the requirements of a full employment policy.

With respect to the international measures:

1. We agree with the recommendation for consultation among government to establish a new equilibrium in world economic relationships but prefer to use the existing machinery of the United Nations for that purpose.

2. We favor a larger and more stable international flow of investment funds, both public and private, but we disagree with the recommendation that such funds should be provided under an automatic or formula scheme.

3. We believe that the International Monetary Fund can play an important part in mitigating the international effects of economic fluctuations, particularly when more countries balances of payments are in approximate equilibrium. But we do not accept the experts' proposal that countries suffering depression be obligated automatically to deposit their currency and that other countries have automatic drawing rights on such currencies, according to a predetermined formula.

Our recommendations for action by this Council are incorporated in a draft resolution. Briefly, we recommend that the member governments of the United Nations should periodically report to the Secretary-General on their economic situation and on their targets, policies, and programs. He, in turn, should analyze these reports and make studies bearing on the problem of full employment in the world economy in cooperation with the appropriate specialized agencies. These reports and studies should be considered by the Economic and

Employment Commission. The Commission should appraise the adequacy of national full employment policies and programs, in both their domestic and international aspects, examine them for possible conflict with each other, and make recommendations for action to the Council.

We further recommend that the Secretary-General appoint a group of experts to prepare a report on underemployment, particularly in underdeveloped countries.

Mr. President, such action by the Council would, I believe, be the logical development of activities already initiated by the United Nations. It would be a further implementation of our pledge in the Charter to take joint and separate action in pursuit of full employment.

Mr. President, May I add a final word.

The American people will not again tolerate a major depression. Our pledge to keep our economy on an even keel is embedded in our laws. We are

determined to use every resource at our disposal to maintain and expand our high levels of economic activity. This is a solid political fact.

Through our free institutions we shall pursue a policy of steadily rising production and employment. We shall do this not for domestic reasons alone. We shall do it, also, because we recognize the place of the American economy in the world economic and political structure. We know that we can no more live in economic isolation than in political isolation.

The people of the United States recognize their responsibilities in this respect. We trust that the knowledge of this fact by the other members of the United Nations will be a basic factor in their own economic thinking and in the making of their economic policies. With such mutual understanding and confidence, we can drive ahead in our efforts to promote the great objectives of the United Nations.

Assistance Available to American Business Through the ECA Guaranty Program in Marshall Plan Countries

The following information is made available by the Office of Small Business of the Economic Cooperation Administration.

The purpose of this bulletin is to acquaint American manufacturers with the investment opportunities for American business firms in European enterprises as a result of the recently expanded provisions of the Marshall Plan law.

In order to increase the participation of private enterprise in achieving European recovery, the United States Congress has provided greater scope and broadened government protection to private American investment through the Economic Cooperation Act of 1950.

Under the new legislation, both large and small businessmen who invest in or license foreign producers in Marshall Plan countries, such intangibles as techniques, patents, and processes, will be able to obtain guaranties of convertibility into dollars of the foreign-currency receipts received from such investment or license. Of significance also to American manufacturers, is the provision which authorizes the guaranty against the risk of loss through expropriation or confiscation by the action of a participating country, a successor government or governing authority.

To assist the American manufacturers in locating interested foreign firms, the ECA's Office of Small Business has established a "contact clearing house," the function of which is to put American manufacturers in touch with receptive overseas companies and vice versa.

Under this program, ECA's Office of Small Business is bringing together American companies and foreign firms located in Marshall Plan countries which are interested in entering into contracts for American techniques, patents, processes, services, and in some cases, equipment. For example, such arrangements may be for investment of dollars, equipment, services, techniques, patents, or processes, by the American manufacturer in return for an interest in the foreign enterprise; or for a licensing agreement calling for royalty payments by the foreign firm to the American manufacturer for the use of patents or processes.

Through this program, ECA overseas is vigorously contacting banking institutions, trade, commercial, and other associations which are in a favorable position to locate interested foreign firms that are desirous of entering into contracts with American companies to manufacture and market abroad those American products for which foreign markets are or may be limited by "dollar shortage." Under this program, our overseas offices, upon receipt of information regarding foreign firms interested in entering into such arrangements, are passing such information on to the Office of Small Business in Washington to be distributed to ECA Field Counselors, the Department of Commerce Field Offices, and any subsequent channels which the Office of Small Business shall designate.

The Department of Commerce will continue to provide American companies interested in such

arrangements with any information which would assist them in deciding whether such arrangements are feasible. For example, the Department of Commerce will make available to American companies any information which the Department may have or can procure with respect to the marketability of these products either within the area in which such products would be manufactured or possible receptivity in foreign markets. The Department of Commerce has available the International Reference series relating to the establishment of a business abroad, living and operation costs, and pertinent data on the laws, regulations, labor conditions, costs, etc. The Department also issues periodical summaries of import-control regulations and special releases on registration fees, labor legislation, and similar factors pertaining to this subject. The Department can also provide information on communication, transportation, power, and other public-utility facilities. The technique of requesting the Foreign Service of the Department of Commerce to make a check on the foreign firms in which the American company might be interested can and will be employed if desired.

The maximum service that may be rendered by this plan will extend only to effecting appropriate contact between the American companies and the foreign companies interested in entering into such arrangements. Any negotiations subsequent to this stage will be carried on entirely by the American and foreign companies through ordinary business procedures. It should be noted, however, that negotiations concerning guaranty coverage should be carried on with the industrial guaranties branch, industry division, ECA, prior to the consummation of the above negotiations between the American company and the foreign firm. It should also be noted that foreign government approval under the guaranty program is required as a condition precedent to any contract entered into between an American company and a foreign firm. The questionnaire attached (form ECA 385) is not to be construed as an application for a guaranty.

American manufacturers interested in having information regarding their company distributed throughout the Marshall Plan countries, should complete the enclosed questionnaire in its entirety in duplicate and forward to the Office of Small Business, Economic Cooperation Administration, 800 Connecticut Avenue, Washington 25, D.C.

CHARLES A. RICHARDS
*Special Assistant to the Administrator
for Small Business*

Attachment [Not printed.]

Air Transport Agreement With France Amended

[Released to the press August 9]

By an exchange of notes of June 23 and July 11, 1950, the text of the air transport services agreement between the Government of the Republic of France and the Government of the United States of America of March 27, 1946 was amended. The text of the United States note, accepted in the French note, follows.

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note of January 25, 1950.¹ The Embassy is instructed by the Department of State to inform the Ministry that the Government of the United States of America is prepared, in accordance with the request of the French Government, set forth in the Ministry's Note under reference, to grant Miami as the new terminal to Air France on Route No. 4 in Schedule I to the Air Transport Services Agreement concluded between the two Governments on March 27, 1946. Accordingly, it is proposed that the description of Route No. 4 in Schedule I (Routes to be served by the Air Carriers of the French Republic) be amended to read as follows:

"4. Martinique via Guadeloupe and via intermediate points to Puerto Rico, and beyond via the Dominican Republic and Haiti to Miami; in both directions."

The Government of the United States further proposes that Route 2 in Schedule II to this aforesaid Agreement (Routes to be served by the Air Carriers of the United States) be amended to read as follows:

"2. The United States via intermediate points over the North Atlantic and Spain to Marseille or Nice and beyond Milan, Budapest and points south of the parallel of Budapest to Turkey and thence via intermediate points to a connection with Route 8 and beyond on said route; in both directions."

The Embassy will be glad to receive confirmation of the acceptance of the above proposals by the Ministry of Foreign Affairs. It is understood that this Note, together with the Ministry's affirmative reply constitutes the amendment of the Route-Annex to the Air Transport Services Agreement of March 27, 1946, to the extent specified in these notes exchanged between the Ministry of Foreign Affairs and this Embassy, such amendment to be effective from the date of the Ministry's Note.

Letters of Credence

Haiti

The newly appointed Ambassador of the Republic of Haiti, Gustave Laraque, presented his credentials to the President on August 7, 1950. For translation of the Ambassador's remarks and the President's reply, see Department of State press release 805 of August 7.

¹ Not here printed.

I. G. Farben Creditors Advised To File Claims Immediately

[Released to the press August 7]

The Department of State announced today that the United States High Commissioner for Germany advises that all creditors with outstanding claims against 170 former companies controlled by the I. G. Farben Industries AG, which is presently in dissolution, are required to file their claims with the Tripartite I. G. Farben Control Office in Frankfurt.

The following instructions have been issued together with a list of 170 companies controlled by the I. G. Farben Combine:

All creditors who assert claims not yet satisfied against any of the following companies and whose claims originated prior to July 5, 1945, are hereby required to file their claims with the Tripartite I. G. Farben Control Office, 28 Mainzerlandstrasse, Frankfurt/Main, Germany, as follows:

Creditors having their legal residence, their legal seat, or the seat of their management

within Germany, within three months after the date of this publication;

outside of Germany but within Europe, within four months after the date of this publication;

outside of Europe, within six months after the date of this publication.

The claims should be filed in three copies, separately for each debtor company, and should contain the following statements:

- (a) full name and address of the creditor,
- (b) the creditor's present domicile and nationality and his domicile and nationality at the time when his claim came into existence,
- (c) name of the debtor company,
- (d) amount of the claim as at July 5, 1945,
- (e) brief description of the claim and its origin,
- (f) reference to records evidencing the claim, and to correspondence, if any, referring to such claim.

Following is the list of companies against which claims are to be filed:

Agfa-Photo GmbH, Dusseldorf
Agfa-Photo GmbH, Frankfurt
Agfa-Photo GmbH, Hamburg
Agfa-Photo GmbH, Hannover
Agfa-Photo GmbH, Koeln
Agfa-Photo GmbH, Muenchen
Agfa-Photo GmbH, Stuttgart
Aktiengesellschaft fuer Stickstoffduenger, Knapsack
Aktiengesellschaft zur gemeinnuetzigen Beschaffung von
Wohnungen, Frankfurt/Main, -Hoechst
Alkali GmbH
Allgemeine Verwaltungs-Gesellschaft mbH
Alzwerke GmbH
Anorgana GmbH
Anorgana-Gefolgschaftshilfe GmbH
Astra Grundstuecks A. G.
Bad Homburger Heilquellen GmbH
Badische Saphir-Schleifwerke GmbH
Carl Bauer & Co. (O. H. G.)
Bayrische Essigessenz-Verkaufsstelle Chr. Dederer GmbH
Bayrische Stickstoffwerke A. G.
Beamtenerholungsheim Saarow GmbH
Behring-Institut Berlin GmbH
Behringwerke A. G.
Bielefelder Sackfabrik GmbH
Bourjau & Co. K. G.
Dr. Heinrich von Brunck Gedaechnisstiftung GmbH
Carbidkontor GmbH
Celluloid-Verkaufs-GmbH
Chemiewerk Homburg A. G.
Chemische Forschungsgesellschaft mbH
Chemische Studiengesellschaft "Uniwapo" GmbH
Chemische Verwertungsgesellschaft Oberhausen mbH
Chemische Werke Huels GmbH
Chlorzink-Produkte GmbH
Citrovin-Fabrik GmbH
Clarashall GmbH
Consortium fuer elektrochemische Industrie GmbH
Cuprama Spinnfaser GmbH
Curta & Co. GmbH
Deutsch-Koloniale Gerbstoff-Gesellschaft mbH
Deutsche Edelsteingesellschaft vorm. Hermann Wild A. G.
Deutsche Laenderbank A. G.
Deutsche Oxhydric GmbH
Deutsche Sprengchemie GmbH
Donar GmbH fuer Apparatebau
G. C. Dornheim A. G.
Drawin GmbH
Drugofa GmbH
Duisburger Kupferhuetten (A. G.)
Dynamit-Actien-Gesellschaft vorm. Alfred Nobel & Co.
Eckbert & Ziegler GmbH
Elbia GmbH fuer chemische Produkte
Elbia Gefolgschaftsfuersorge GmbH
Elektrochemische Produkte GmbH
Elektrochemische Werke Breslau GmbH

Elektroschmelzwerk Kempten A. G.
 Elite Grundstuecks GmbH
 Ethyl GmbH
 Faserholz GmbH
 Fassholzfabrik Goldbach GmbH
 Fertilia Chemische Werke A. G.
 Fluorit-Werke GmbH
 Fluor-Produkte GmbH
 Flusspatwerke GmbH
 Fluss- und Schwerspatwerke Pforzheim Doeppenschmitt & Co. GmbH
 Friedrichsberger Bank e. GmbH
 Fugger Grundstuecks-A. G.
 Gefolgschaftshilfe der Aktiengesellschaft f. Stickstoffduenger GmbH, Knapsack
 Gefolgschaftshilfe der Curta & Co. GmbH, Berlin e. V.
 Gefolgschaftshilfe GmbH der Firma Friedrich Uhde K. G.
 Gemeinnuetzige Baugesellschaft mbH
 Gemeinnuetzige Siedlungsgesellschaft Duisburger Kupferhuetten mbH
 Gemeinnuetzige Siedlungsgesellschaft Kalle mbH
 Gemeinnuetzige Wohnungs-Gesellschaft mbH, Leverkusen
 Gemeinnuetziges Wohnungsunternehmen Chemische Werke Huels, gmbH
 Gemeinnuetziges Wohnungsunternehmen der I. G. Farbenindustrie A. G. Frankfurt GmbH
 Gemeinnuetziges Wohnungsunternehmen I. G. GmbH, Ludwigshafen
 Gustav Genschow & Co. A. G.
 Gesellschaft fuer Aufbereitung mbH
 Gesellschaft fuer Synthese-Produkte mbH
 Gesellschaft mbH zur Verwertung chemischer Erzeugnisse
 Gewerkschaft Auguste Victoria
 Gewerkschaft des konsolidierten Steinkohlenbergwerkes "Breitenbach"
 Gewerkschaft Goetzenhain zu Darmstadt
 Gewerkschaft Stein V
 Gewerkschaft Stein VII
 Gewerkschaft Stein IX
 Gewerkschaft Stein X
 "Griesogen" Griesheimer Autogen-Verkaufs-GmbH
 Grundstuecks-Verwaltungsgesellschaft "Osten" mbH, Berlin
 Guano-Werke A. G.
 Handelsgesellschaft Auguste Victoria (O. H. G.)
 Handels- und Industrie-Kontor GmbH
 Hoelkenseide GmbH in Lique
 Hoffman & Engelmann A. G.
 Hoffman & Engelmann Gefolgschaftshilfe GmbH
 Hruby & Co. (O. H. G.)
 Huetten-Chemie GmbH
 Igerussko Handelsgesellschaft mbH
 I. G.-Gefolgschaftshilfe GmbH, Frankfurt
 Indanthren-Haus Frankfurt GmbH
 Indanthren-Haus Hamburg GmbH
 Indanthren-Haus Koeln GmbH
 Indanthren-Haus Muenchen GmbH
 Indanthren-Haus Stuttgart GmbH
 Kalle & Co. A. G.
 Kalle Gefolgschaftshilfe GmbH
 "Karato" GmbH
 Klueser & Co. K. G.
 Koeln-Rottweil A. G.
 Lagerstein Verkaufsgesellschaft mbH
 Laenderbank-Fugger Unterstuetzungs-Einrichtung GmbH
 Lindener Zuendhuetchen- und Patronenfabrik A. G.
 "Liveg" Lizenz-Verwertungs-GmbH
 Luranil-Baugesellschaft mbH
 Magnetophon GmbH
 "Movea" GmbH
 Professor Dr. Paul Mueller-Stiftung GmbH
 Niedersachsen Oel-Gesellschaft mbH
 Pallas GmbH Konzernversicherung
 Pensionskasse der Angestellten der I. G. Farbenindustrie A. G. Frankfurt/M, Versicherungsverein auf Gegenseitigkeit
 Pensionskasse der Angestellten der I. G. Farbenindustrie A. G. Leverkusen am Rhein, Versicherungsverein auf Gegenseitigkeit

Pensionskasse der Angestellten der I. G. Farbenindustrie A. G. Ludwigshafen am Rhein, Versicherungsverein auf Gegenseitigkeit
 Plastro-Gesellschaft mbH
 Pulverfabrik Hasloch a. M. GmbH
 "Pyrodur" Vereinigte Haertenmaschinen GmbH
 Pyrophor-Metallgesellschaft A. G.
 Rheinische Elektrodenfabrik GmbH
 Rheinische Gummi- und Celluloidfabrik A. G.
 Rheinisches Spritzgusswerk GmbH
 Rheinisch-Westfaelische Sprengstoff A. G.
 Roheisenverkaufsgesellschaft Duisburger Kupferhuetten mbH
 Sauerstoff-Fabrik Berlin GmbH
 "Schildkroete" Rheinische Dauerwaesche- und Kunststoffwarenfabrik GmbH
 Hermann und Margarethe Schmitz-Stiftung GmbH
 Schwefel GmbH
 Schwefelnatrium GmbH
 Selektor-Bau- und Handelsgesellschaft mbH
 "Sextra" Schwefel-Extraktions- und Raffinations-GmbH
 Siedlungsgesellschaft Wasag GmbH
 Sprengstoff Verkaufsgesellschaft mbH
 Steedener Kalwerke GmbH
 Stickstoff-Ost GmbH
 Stickstoff-Syndikat GmbH
 Walter Strehle GmbH
 Studiengesellschaft fuer Metallgewinnung mbH
 Superphosphatfabrik Nordenham A. G.
 Terra-Grundstuecks GmbH
 Titan-Gesellschaft mbH
 Ingenieur-Buero Friedrich Uhde K. G.
 "Venditor" Kunststoff-Verkaufs-GmbH
 Vereinigte Sauerstoffwerke GmbH
 Verkaufsgemeinschaft Pyrotechnischer Fabriken GmbH
 Verkaufsgesellschaft fuer Kungststoff-Erzeugnisse mbH
 Verkaufsstelle fuer Oxalsaeure und Ameisensaure GmbH
 Versuchswerk fuer Kautschukverarbeitung GmbH in Lique
 Vertilungsstelle fuer Chlorkalk (Ges. des Buergerl. Rechts)
 Waaren-Commissions A. G.
 Dr. Alexander Wacker Gesellschaft fuer Elektrochemische Industrie GmbH
 Gebr. Wandsleben GmbH
 Wasag-Chemie A. G.
 Westfaelisch-Anhaltische Sprengstoff A. G. Chemische Fabriken
 Westfaelische Leichtmetallwerke GmbH
 Westgas GmbH
 Wolff & Co. K. G. a. A.
 Worbla Celluloid-Handels-Gesellschaft mbH
 Ziegelei Graesbeck GmbH
 Zuenderwerke Ernst Bruen GmbH
 Zellglas-Export-Syndikat GmbH

THE FOREIGN SERVICE

Confirmations

On July 26, the Senate confirmed the following nominations:

John E. Peurifoy to be American Ambassador Extraordinary and Plenipotentiary to Greece and to serve concurrently and without compensation as chief of the American Mission for Aid to Greece;

C. Tyler Wood as deputy United States special representative in Europe, with the rank of Ambassador Extraordinary and Plenipotentiary.

Public Notices Affecting U.S. Property Owners in Germany¹

Land Central Banks, Law No. 66

Whereas the establishment of the Bank Deutscher Laender has made it necessary to amend and coordinate the legislation establishing Land Central Banks:

It is hereby ordered as follows:

I. LEGAL STATUS

Section 1

1. The Land Central Banks are juridical persons under public law and the seat of each of the said Banks is as follows:

In the Land of Bavaria—Munich;

In the Land of Bremen—Bremen;

In the Land of Hesse—Frankfurt a/M;

In the Land of Wuertemberg-Baden—Stuttgart.

Each of the said Banks is authorized to maintain branches within the Land in which it has its seat.

2. The Board of Directors shall decide upon the establishment of branches and upon their organization. The decision requires the consent of the Bank Supervisory Authority.

II. FUNCTIONS

Section 2

Within the provisions of Military Government Law No. 60 (Revised) "Establishment of a Bank Deutscher Laender," and of any legislation issued from time to time in pursuance thereof, a Land Central Bank shall have the following functions which are more particularly specified in Sections 13 to 17 inclusive:

1. To regulate the circulation of currency and the supply of credit;

2. To promote the solvency and liquidity of credit institutions and to hold and administer the required minimum reserves against deposits in credit institutions;

3. To act as the sole fiscal agent of the Land in respect of funds supplied as new currency under Article XV of Law No. 61 (Currency Law) or obtained from taxation, when required by the Land to invest Land deposits in equalization claims issued by the Land, provided that the Bank may be required at any time by the Land to repurchase such claims; to execute financial transactions for, or grant short-term credits to, the Land or corporations of Public Law insofar as these tasks are not incumbent on other institutions;

4. To assist non-cash transfers and clearing of checks

¹ 15 Fed. Reg. 1051ff and 1546. The above laws, proclamations, and regulations, issued by the Military Government for Germany (U.S.) and/or the Allied Commission are deemed to be of interest to certain U.S. citizens as having legal effect upon them or their property.

within the Land and to assist in financial transactions with other German Laender and with foreign countries in accordance with Directives of the Bank Deutscher Laender;

5. To attend to the safekeeping and management of securities and to their transfer;

6. A Land Central Bank shall subscribe to the capital of the Bank Deutscher Laender as provided in Military Government Law No. 60, Revised, "Establishment of a Bank Deutscher Laender."

III. ORGANIZATION

Section 3

1. Each Bank shall be managed by the Board of Managers which shall consist of the President, Vice President and the number of other officers required by its by-laws.

2. The Board of Managers shall require for its decisions a simple majority of the votes cast; the vote of the President shall be decisive in the event of a tie.

3. The President and the Vice President shall be appointed by the Minister President upon the recommendation of the Minister of Finance; the other members of the Board of Managers shall be appointed by the Board of Directors upon the recommendation of the President.

4. The term of office of the members of the Board of Managers shall be five years. Reappointment is permissible. During the first five years of the existence of a Land Central Bank, a shorter term of office may be fixed by the by-laws for the members of the Board, other than the President.

5. Upon recommendation of the Bank Supervisory Authority any member of the Board of Managers may be discharged at any time, for important reasons, by the appointing authority.

Section 4

1. The Board of Managers shall represent the Land Central Bank in judicial proceedings and all other matters.

2. Declarations of the Board of Managers are binding upon the Land Central Bank when made by two members of the Board of Managers; such declarations may also be made by agents who have been designated by the Board of Managers.

3. The Board of Managers of independent branches shall represent the Land Central Bank in judicial proceedings and all other matters within the field of activity of such branches. Declaration made by such independent branches shall be binding upon the Land Central Bank, when made by two managing officers or their agents.

4. Legal proceedings may be instituted against an independent branch arising out of the operation of its business in the court having jurisdiction at the seat of such branch.

5. Declarations made to an authorized representative of a Land Central Bank shall be deemed to be notice to the Bank.

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Section 5

1. The President of a Land Central Bank may appoint notarial officials for such Bank and its branches. Such notarial officials shall possess the qualifications for the office of a judge and shall have an official seal.

2. Such notarial officials may exercise the official functions of a notary in the conduct of the affairs of a Land Central Bank. The authority to represent a Land Central Bank may be proved by the certification of such notarial official.

Section 6

1. The salaries, pensions and pensions to survivors of the members of the Board of Managers shall be regulated by contracts with the Land Central Bank, represented by the Board of Directors. Contracts with the President and Vice President shall be subject to the approval of the Minister President.

2. The legal status of officials, employees and workers of the Land Central Bank shall be determined by special by-laws to be issued by the Board of Managers with the consent of the Board of Directors.

Section 7

1. The entire management of a Land Central Bank shall be supervised by the Board of Directors. The Board of Directors shall establish the principles for the execution of the functions of a Land Central Bank. In so doing it shall be bound by the decisions of the Board of Directors of the Bank Deutscher Laender.

2. The Board of Directors shall consist of nine members. Out of their number a Chairman shall be appointed by the Minister President upon the recommendation of the Minister of Finance. The President of the Land Central Bank shall be the Vice Chairman. The other members of the Board of Directors shall be:

The head of the Bank Supervisory Authority, one representative each from agriculture, trade and industry, workers and employees, to be appointed by the Minister having competence in these respective fields. The shareholders shall elect one member each from cooperative, private and public law credit institutions; the election procedure shall be laid down in regulations, issued under Section 27 (4).

3. The initial term of office of the members of the Board of Directors, other than the Vice Chairman, shall be one year; thereafter a term of office not exceeding three years may be fixed by the by-laws. Reappointment or reelection is permissible.

4. Decisions of the Board of Directors shall be by a simple majority of the votes cast; the vote of the Chairman shall be decisive in the event of a tie. The presence of not less than one-half of all members shall be required to constitute a quorum.

Section 8

1. The members of the Board of Managers and of the Board of Directors, as well as all other persons in the service of a Land Central Bank, are prohibited from disclosing matters affecting the Land Central Bank or its organization of which they have knowledge, particularly in regard to business transactions of the Bank and the extent of credits granted; such prohibitions shall continue after the termination of their services with the Bank.

2. They may not testify in court regarding such matters without the consent of the Bank Supervisory Authority. Such consent may only be refused where the testimony would substantially endanger the public welfare or render more difficult the fulfilment of public tasks. The decision of the Bank Supervisory Authority shall be subject to review by the court in which the matter in question is pending. If it appears that the Bank Supervisory Authority has unreasonably withheld consent, the court may require the giving of testimony without such consent.

IV. LAND SUPERVISION

Section 9

The Land Central Bank shall be subject to Land supervision, to be exercised by the Bank Supervisory Authority.

V. CAPITAL

Section 10

1. The Capital of each Land Central Bank shall be in the form of Stock in the following amounts:

- (a) 50 million Deutsche Mark for the Land of Bavaria;
- (b) 10 million Deutsche Mark for the Land of Bremen;
- (c) 30 million Deutsche Mark for the Land of Hesse;
- (d) 30 million Deutsche Mark for the Land of Wuerttemberg-Baden.

2. The capital shall be initially subscribed for by the Land whose Minister of Finance shall exercise the rights accruing to the Land from Such investment.

3. The Minister of Finance shall, before March 1, 1950, in agreement with the Board of Directors, dispose of the stock by sale to the credit institutions required to maintain minimum reserves (Section 14, paragraph 2). The cooperative, private and public law credit institutions shall participate equally in the purchase of stock; details as to distribution within each group shall be determined in the by-laws.

VI. ANNUAL FINANCIAL STATEMENT AND DISTRIBUTION OF PROFITS

Section 11

1. The annual financial statement shall be prepared by the Board of Managers within three months after the end of the fiscal year. It shall be subject to the approval of the Board of Directors, after examination. The Board of Directors shall, upon approval thereof, give a release (Entlastung) to the Board of Managers. The Board of Managers shall publish the annual financial statement.

2. The fiscal year shall be the calendar year.

Section 12

1. The annual net profit shall be transferred to legal reserve until such reserve amounts to one-tenth of the capital.

2. After the legal reserve has reached the amount provided for in paragraph 1, one-fifth of the net profits shall be transferred to such reserve until the legal reserve equals at least one-tenth of the total liabilities, or the full amount of the capital, whichever shall be greater. From one-half of the net profits remaining the shareholders shall receive a dividend of not exceeding 4% of their capital stock as determined by the Board of Directors. The remaining undistributed net profits, insofar as they are not used to create free reserves on the decision of the Board of Directors with the consent of the Minister of Finance, shall accrue to the Land.

3. The legal reserve shall be used only to offset depreciation and other losses. The existence of free reserves to offset depreciation and other losses shall not preclude use of the legal reserve.

VII. BUSINESS ACTIVITIES

Section 13

1. Within the provisions of Military Government Law No. 60, Revised, "Establishment of a Bank Deutscher Laender", and of any legislation issued from time to time in pursuance thereof, the Land Central Bank may execute business transactions with credit institutions and public agencies with respect to the following:

(1) Purchase and sale of three-name bills of exchange and of checks, the signatories to which are known to be

solvent. Such bills of exchange shall be of a maturity of not more than three months from the date of purchase; they shall be genuinely commercial bills. The requirement of a third signature may be dispensed with, provided collateral or other security is furnished to guarantee payment of such bill or check;

(2) Purchase and sale of treasury bills issued by the Bizonal Economic Administration or by any German Land which mature within three months from the date of purchase. The Board of Directors may fix the maximum amount of treasury bills which a Land Central Bank may hold or on which it may grant loans in accordance with subparagraph 5 (b) of this Section;

(3) Purchase and sale in the open market, in order to regulate the money market, of the following types of fixed interest bearing securities fully listed on a Stock Exchange: obligations of the Bizonal Economic Administration, of the Laender or of other public corporations, mortgage bonds (Pfandbriefe) and municipal debentures; the particular securities concerned shall be determined by the Board of Directors after consultation with the Board of Managers;

(4) Purchase and sale of foreign exchange, gold, silver and platinum, subject to existing legal restrictions;

(5) The grant and acceptance, for not more than three months, of interest bearing loans (Lombard loans) against the following securities;

(a) Bills of exchange meeting the requirements of subparagraph 1, up to an amount not exceeding nine-tenths of their face value;

(b) Treasury bills issued by the Bizonal Economic Administration or by any German Land, meeting the requirements of subparagraph 2, to an amount not exceeding nine-tenths of their face value;

(c) Fixed interest bearing securities designated by the by-laws and treasury bills and registered debts (Schuldbuchforderungen) of the Bizonal Economic Administration or of a German Land which mature within one year from the date of such loan, to an amount not exceeding three-fourths of their current quotation; in the absence of a quotation, the Board of Managers shall fix the loan value according to existing possibilities of realization;

(d) Equalization claims against the Land placed to the credit of financial institutions within such Land.

Where a debtor is in default on such Lombard loan, the Land Central Bank shall be entitled, without special authorization or intervention of a court, to sell the collateral publicly through one of its officers or through any official authorized to carry out public auctions; where the collateral is quoted on a stock exchange or has a market price, the sale may also be effected by private treaty by one of the officers of the Land Central Bank or by a broker at the market price; the proceeds shall be used to recover costs, interest and principal. The Land Central Bank shall retain this right as against other creditors and as against the estate of the bankrupt debtor.

(6) To grant credits to the Land and, with approval of the Minister of Finance, to public law corporations specified in Section 2, paragraph 3, for the purpose of covering temporary cash deficits. The aggregate of such short-term loans shall not exceed one-fifth of the total deposits.

(7) Purchase and sale, from and to financial institutions of the Land, of equalization claims against the Land allowed under the provisions of the Third Law for Monetary Reform (Conversion Law), or under any regulations issued from time to time in pursuance thereof.

2. The rates of discount, interest and other charges applicable to the above mentioned transactions shall be fixed by the Board of Directors according to the directions of the Bank Deutscher Laender and be published by the Board of Managers.

Section 14

1. A Land Central Bank may accept non-interest bearing giro and other deposits.

2. Credit institutions having their seat or branch within the Land shall be required to maintain with the Land Central Bank minimum reserves in a fixed proportion to their deposit liabilities. The amount of the reserve requirements and the method of maintaining such reserves shall be fixed by the Board of Directors in accordance with the regulations issued by the Board of Directors of the Bank Deutscher Laender.

Section 15

1. The Land Central Bank shall serve as a central clearing house for all banking transfers and collection of checks between the credit institutions of the Land. The inter-Land settlement of money transfers and collection of checks of the Land Central Bank and other credit institutions of the Land shall be effected through the Bank Deutscher Laender with which the Land Central Bank shall maintain corresponding accounts. The Land Central Bank shall facilitate payments to and from foreign countries, subject to existing legal restrictions.

2. The Board of Directors may issue directives dealing with the organization and handling of money transfers and check collections within the Land.

Section 16

1. The Land Central Bank may receive in safe custody any valuables, and in particular, may hold and manage securities, on behalf of credit institutions and public authorities.

2. The Land Central Bank may act as Central Depository for Securities, and in particular may regulate the transfer of securities. For such purpose it may enter into agreements with other Central Depositories for Securities.

3. The business activities mentioned in paragraph 1 and 2 are subject to general regulation by the Bank Deutscher Laender.

4. The Land Central Bank may not exercise voting rights arising from securities managed or held by it in safe custody.

Section 17

[1.] A Land Central Bank, when certifying a check drawn on itself, shall thereby assume primary liability to the holder in due course for payment. It shall also remain liable as regards the drawer and endorser.

2. The Land Central Bank is authorized to certify a check only when it has been previously covered by sufficient funds.

3. Payment of a certified check may not be refused although, subsequent to certification, bankruptcy proceedings have been instituted against the drawer of the check.

4. The obligation of payment arising out of the certification of a check shall cease if the check is not presented for payment within one month of the date of issue. The provisions of Article 40 of the Negotiable Instruments Law (RGI., 1933, I, 597) shall govern proof of presentation.

5. A claim arising from the certification of a check is barred two years after expiration of the period within which the check should have been presented for payment.

6. The provisions governing jurisdiction and procedure in the Negotiable Instruments Law shall apply mutatis mutandis in actions on claims arising from certification.

7. The certification of a check shall not create an obligation to pay any tax or duty.

Section 18

A Land Central Bank shall engage in transactions, other than those authorized by the provisions of Section 13-17, only for the account of third parties who have provided full cover, or for the purpose of conducting its own business operations, or for the benefit of its employees, or for the execution and liquidation of permissible business transactions.

VIII. WEEKLY STATEMENT

Section 19

1. A Land Central Bank shall publish regularly a statement of its assets and liabilities as at the 7th, 15th, 23rd and last day of each month.

2. Such published statement shall contain:

(1) Under assets:

Cash;

Balances with the Bank Deutscher Laender:

(a) Minimum balances,

(b) Free balances;

Postal check balances;

Balances with other Land Central Banks and with German credit institutions outside the Land;

Treasury bills and short-term treasury certificates of the Laender;

Treasury bills and short-term treasury certificates of the Bizonal Economic Administration;

Bills of exchange and checks;

Equalization claims;

Securities purchased in the open market;

Other securities;

Short-term loans:

(a) to the Government of the Land,

(b) to other public agencies;

Collateral loans:

(a) against bills of exchange,

(b) against equalization claims,

(c) against other security;

Foreign balances freely convertible;

Foreign balances not freely convertible;

Participation in the Bank Deutscher Laender;

Other assets.

(2) Under liabilities:

Capital;

Legal and other reserves;

Deposits:

From credit institutions within the Land;

From credit institutions in other German Laender;

From public authorities;

From other domestic depositors;

From foreign depositors;

Liability arising out of collateral loans from the Bank Deutscher Laender against:

(a) bills of exchange,

(b) equalization claims,

(c) other security;

Other liabilities.

3. In addition, all contingent liabilities in respect of endorsement of bills of exchange and the total of equalization claims sold to Bank Deutscher Laender shall be disclosed.

IX. PENAL PROVISIONS

Section 20

1. Any member of the Board of Managers who deliberately misrepresents or conceals in the published weekly statements prescribed in Section 19, or in the annual financial statement, the true condition of a Land Central Bank, shall be guilty of an offense and shall, upon conviction, be liable to imprisonment not exceeding five years or a fine not exceeding DM 25,000 or both.

2. Prosecution shall be instituted at the request of the Bank Supervisory Authority.

X. CONCLUDING AND TRANSITIONAL PROVISIONS

Section 21

The by-laws of a Land Central Bank shall be issued by the Board of Directors. Such by-laws shall require the approval of the Bank Supervisory Authority.

Section 22

1. A Land Central Bank shall rank equally with the several departments of the Land Government.

2. The provisions regarding the liability of the Land for the acts of its officials shall apply mutatis mutandis to the liability of a Land Central Bank.

Section 23

One insertion in the gazette used by the Government of the Land for official publications shall be sufficient for matters required to be published by a Land Central Bank. Any such publication shall be deemed effective on the date of issue of the gazette.

Section 24

In respect to taxation, building construction, housing, and leasing of property, a Land Central Bank shall enjoy the same privileges as are accorded to the highest Land authorities.

Section 25

A Land Central Bank shall not be the legal successor to the German Reichsbank, but this paragraph shall not be construed so as to prevent a Land Central Bank from dealing with the assets of the Reichsbank which have been transferred to it by order or consent of Military Government.

Section 26

The German text of this Law shall be the official text.

Section 27

1. This Law is applicable within the Laender of Bavaria, Wuerttemberg-Baden, Hesse and Bremen, and shall become effective on 15 April 1949.

2. The following German Laws are hereby repealed:
(a) Law No. 50 of the Land Government of Bavaria of 27 November 1946;

(b) Law No. 55 of the Land Government of Wuerttemberg-Baden of 7 December 1946;

(c) Law concerning the Establishment of the Land Central Bank in Hesse of 7 December 1946;

(d) Law concerning the Establishment of the Land Central Bank in Bremen of 6 March 1947.

3. Without prejudice to any subsequent settlement with the German Reichsbank, all actions heretofore taken pursuant to and in conformity with Section 26 of each of such laws shall be unaffected by such repeal.

4. The Land Minister of Finance shall issue the legal and administrative regulations necessary for the implementation of this Law.

By order of Military Government.

THE DEPARTMENT

Walter S. Surrey Resigns as Assistant Legal Adviser

Secretary Acheson accepted on July 6 the resignation, effective June 30, 1950, of Walter Sterling Surrey, Assistant Legal Adviser to the Department and Consultant to the Mutual Defense Assistance Program. For text of correspondence between the Secretary and Mr. Surrey, see Department of State press release 720.

The United States in the United Nations

[August 12-18]

Economic and Social Council

The Economic and Social Council temporarily adjourned its eleventh session on August 16 following completion of the fifty-third and last item on its agenda. The Council has been meeting at Geneva since July 3. The Council had decided previously not to close this session and to authorize its president to reconvene it whenever necessary in order to implement the resolution adopted unanimously by the Council on August 14¹ setting forth its role in providing such assistance for the relief and support of the civilian population of Korea as the unified command may request. This action was taken by the Council in implementation of a request by the Security Council. In addition to declaring the Council's readiness to provide such assistance as the unified command may request, the resolution asks the support of specialized agencies, subsidiary bodies of the United Nations, and appropriate nongovernmental organizations to this end. In addition, United Nations members, the Secretary-General, and appropriate nongovernmental organizations are asked "to assist in developing among the peoples of the world the fullest possible understanding of and support for the action of the United Nations in Korea." The Secretary-General is asked to report to the Council on action taken under this resolution, and to include when appropriate any useful data on longer-term measures for economic and social assistance to the Korea people.

The Council in its final week made a number of other important decisions on matters in both the economic and social fields. These decisions pertained to maintenance of full employment, financing economic development, and long-range activities for children, refugees, and stateless persons.

FULL EMPLOYMENT

The Council embodied its conclusions, relative to the maintenance of full employment, in a resolution which included a series of recommendations to member states, provided for new studies in this field by the Secretariat and expert groups, and for examination of this problem by the Economic, Employment and Development Commission (heretofore called the Economic and Employment Commission). The United States representative told the Council that he was par-

ticularly pleased that the resolution had been adopted unanimously and that he thought its goals could be achieved if all governments would try to implement the resolution.

ECONOMIC DEVELOPMENT

The recommendations of the Council with regard to financing economic development were incorporated in a resolution calling for continued study of this problem and the encouragement of effective methods of mobilizing domestic capital for economic development as well as for methods of increasing the flow of international capital for development purposes. United Nations activities in the field of technical assistance, as reported by the Secretary-General, were noted with satisfaction. The Council also reviewed the first report of its Technical Assistance Committee and of the Technical Assistance Board. With regard to the earlier General Assembly recommendation that the Council consider the problem of economic development and social progress in the former Italian colonies, the Council called the attention of the Secretary-General, the executive heads of the specialized agencies, and the Technical Assistance Board to the special need for early action granting technical assistance to Libya. The Secretary-General was asked to suggest to the General Assembly a means by which Libya can continue to receive technical assistance after she has acquired independence and before she becomes a member of the United Nations.

INTERNATIONAL CHILDREN'S EMERGENCY FUND

Turning to the social field, the Council adopted a resolution, co-sponsored by the United States, on the future organization and status of the International Children's Emergency Fund. The resolution provides for the establishment of a United Nations International Children's Endowment Fund with the dual purpose of "(a) providing supplies, training services, and advisory assistance in support of the recipient countries' permanent programs for children, and (b) meeting relief needs in cases of serious emergencies." The agreed functions of the Fund represent a compromise between the United States view, which favored placing the major emphasis on technical assistance, and that of certain other countries, which favored continuance of the present International Children's Emergency Fund in essentially its present form. The operational activities of the Fund will be financed by voluntary contributions. A provision calling for General Assembly consideration of the advisability of in-

¹For text of resolutions, see following issue of the BULLETIN.

creasing the amount of the Fund by a sum of money from member states in accordance with the regular scale of contributions to the United Nations budget was deleted over the objection of the United States representative, who said that he voted for the resolutions as a whole with some hesitancy because of this deletion.

In the earlier consideration of this question, by the Council's Social Committee, the United States representative declared that the United States "stands squarely behind the establishment of a permanent United Nations program for children." He added, "It supports the creation or continuation of machinery which will ensure the permanency and effectiveness of such a program and is willing to share with all other governments the financial burden of carrying out this task."

REFUGEES AND STATELESS PERSONS

The problem of refugees and stateless persons was dealt with by the Council in several of its aspects. In reviewing the report of the *Ad Hoc* Committee on Refugees and Stateless Persons, the Council also reviewed a draft convention relating to the status of refugees and a draft protocol on statelessness. The Council decided that the *Ad Hoc* Committee should revise these drafts in the light of comments of governments and specialized agencies and of the Council's discussion so that they could be considered by the General Assembly at its next session. In another resolution relating to statelessness, the International Law Commission was urged to prepare the necessary draft convention or conventions for the elimination of statelessness. Agreement was also reached on a statute setting forth the functions of the Office of the High Commissioner for Refugees. At its last session, the General Assembly decided to establish as of January 1, 1951, such an office to provide for the international protection of refugees after the termination of the activities of the International Refugee Organization. According to the statute, the High Commissioner is to seek permanent solutions for the problems of the refugees falling under his competence "by assisting governments and, subject to the approval of the government concerned, voluntary agencies in facilitating their voluntary repatriation or their assimilation within new national communities."

FORCED LABOR SITUATION

The United States and British representatives charged the U. S. S. R., on the next to the last day of the session, with extending its forced labor practices both within the Soviet Union and the countries in her orbit. These representatives proposed that five independent experts be selected by the United Nations and the International Labor Organization to survey the forced labor situation. Discussion of the matter was deferred to the next

session, however, in view of the short time remaining before the scheduled adjournment of the Council.

Advancing higher education in trust territories was another social problem dealt with by the Council. The Council drew the attention of administering authorities to the United Nations expanded technical assistance program and invited them to request technical assistance in connection with this problem. With regard to social, economic, and educational conditions in non-self-governing territories, the Council decided that, wherever possible, these should be covered in all its relevant studies and drew the attention of the administering members to the facilities available for technical assistance in matters of economic development and social welfare.

Other Council action involved noting the report of the *Ad Hoc* Committee on Slavery, election of members of its commissions, and adoption of the calendar of conferences for 1951. Finally, the Council established an ad hoc committee, of which the United States is a member, to investigate the question of the organization and functioning of the Council and its commissions, and to report to the thirteenth session of the Council. This proposal was cosponsored by the United States.

Security Council

The Security Council continued its discussion of the Korean question on August 11, 14, and 17. The Indian representative, Sir. B. N. Rau, suggested on August 14 that the Council consider establishment of a committee consisting of the six nonpermanent Council members (Cuba, Ecuador, Egypt, India, Norway, and Yugoslavia) to consider proposals looking toward a "peaceful and just settlement in Korea." The committee he envisaged would consider proposals already submitted or presented in the future, including those from sources outside the Security Council, such as the United Nations Commission on Korea, and would make recommendations to the Council. He said that he would be prepared to present a resolution embodying his proposal if it "finds sufficient support, in principle."

During the August 17 meeting, Ambassador Warren R. Austin (U.S.) commended India's initiative in attempting to promote some progress in the Council and noted particularly the effectiveness of Sir Rau's point that the United Nations would have to frame its own proposals for the future of Korea. He reiterated the desire of the United States for peace and outlined some long-range aims for consideration by the Council or the General Assembly, including free, United Nations-supervised elections throughout Korea, a United Nations agency to assist the Republic in establishing a democratic government in a reunited Korea, and early admission of Korea to the United Nations.

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